

6923. By Mr. GARBER: Petition of Proportional Representation League, by the executive secretary, George H. Hallett, jr., of Philadelphia, Pa., in support of House Joint Resolution 181; to the Committee on Election of President, Vice President, and Representatives in Congress.

6924. Also, petition of J. H. Stolper, general counsel and chairman national executive committee American Veterans of All Wars, Muskogee, Okla., and Second Congressional Republican District Convention of Oklahoma, urging the enactment of House bill 500; to the Committee on World War Veterans' Legislation.

6925. Also, petition of residents of Blackwell, Okla., urging the enactment of legislation for relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6926. Also, petition of Mrs. George T. Whitaker, of Laverne, Okla., in support of Senate bill 2901 and House bill 9588; to the Committee on the Judiciary.

6927. By Mr. HOPE: Petition signed by residents of Reno County, Kans., requesting more adequate pension legislation for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6928. Also, petition signed by the residents of Fort Dodge, Kans., requesting legislation for the benefit of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

6929. By Mr. HOWARD of Nebraska: Petition signed by Sophia Hickok, of Columbus, Nebr., and some 60 others, of Columbus, Nebr., praying for the passage of legislation to aid the suffering survivors of the Civil War and the widows of the veterans of the late Civil War; to the Committee on Invalid Pensions.

6930. By Mr. HUDSON: Petition of citizens of Flint, Mich., and Livingston County, Mich., urging favorable consideration of legislation increasing pensions for the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6931. By Mr. IRWIN: Petition of J. C. Henry, 3252 Waverly Avenue, East St. Louis, Ill., et al., praying for the enactment of legislation in behalf of Civil War veterans and widows of Civil War veterans at this session of Congress; to the Committee on Invalid Pensions.

6932. By Mr. KINDRED: Petition of the Merchants Association of New York, urging the Congress of the United States to enact into law at an early date House bill 10644, by Congressman BACHARACH, which provides certain increases in the amount of compensation paid to employees in the customs service; to the Committee on Ways and Means.

6933. By Mr. LINDSAY: Petition of the American Agricultural Chemical Co., protesting against Muscle Shoals resolution now before the House on the grounds that it is un-American, confiscatory, and destructive of the fertilizer industry; to the Committee on Military Affairs.

6934. By Mr. McFADDEN: Petition of residents of Little Meadows, Warren County, Pa., to bring to a vote the Civil War pension bill, granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

6935. By Mr. MAGRADY: Petition of Anna R. Acor, of Potts Grove, Pa., and 29 other citizens of the same community, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

6936. Also, petition of Rozell Porter and 41 other citizens of Sullivan County, Pa., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6937. By Mr. MEAD: Petition of the Senate of the State of New York, pertaining to an all-American ship canal; to the Committee on Rivers and Harbors.

6938. Also, petition of Willard G. Lockwood, of Buffalo, N. Y., favoring the passage of the Tyson-Fitzgerald bill for the retirement of disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

6939. By Mr. MILLIGAN: Petition signed by citizens of Stanberry, Gentry County, Mo., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying certain proposed increases of pensions; to the Committee on Invalid Pensions.

6940. By Mr. O'CONNELL: Petition of the Merchants Association of New York, favoring the passage of the Bacharach bill (H. R. 10644) providing for certain increases in the amount of compensation paid to employees in the customs service; to the Committee on Ways and Means.

6941. Also, petition of Hon. Louis A. Cuvillier, member of assembly, State of New York, favoring the Tyson-Fitzgerald

bill for disabled emergency officers; to the Committee on Military Affairs.

6942. Also, petition of the Pershing Square Post, No. 957, American Legion, New York City, favoring the passage of Senate bill 660 and House bill 10422, designed to give credit to the employees of the Post Office Department for service in the military and naval forces of the United States during wars, expeditions, and military occupations; to the Committee on the Post Office and Post Roads.

6943. By Mr. RATHBONE: Petition by 50 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill giving an increase of pension to widows of Civil War veterans; to the Committee on Invalid Pensions.

6944. By Mr. RUBEY: Petition of the voters of Phelps County, Mo., for more liberal pension laws for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6945. By Mr. SWICK: Petition of West Liberty United Presbyterian Church, of Butler County, Pa., for the enactment of House bill 78; to the Committee on the District of Columbia.

6946. Also, petition of Slippery Rock United Presbyterian Church, Butler County, Pa., for the enactment of House bill 78; to the Committee on the District of Columbia.

6947. By Mr. TEMPLE: Resolution of John Ashley Dennis, jr., Post No. 437, Philipsburg, Pa., protesting against the enactment of Senate bill 777, making eligible for retirement under certain conditions disabled emergency officers of the World War and rewarding them not according to their disability but according to their rank; to the Committee on World War Veterans' Legislation.

6948. Also, petition of Emma A. Wood and Myrtle Parker, of Holbrook, Greene County, Pa., in support of legislation increasing the rate of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

SENATE

THURSDAY, April 19, 1928

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

O Lord God, Thou God of hope, praise be to Thee for the hope that lives with us and for the hope that is set before us, for the assurance through faith both in things seen and temporal and in things unseen and eternal.

We thank Thee that we as a nation may calmly face the future now we have proved the past; that under Thy teaching we have learned that patience worketh experience and experience hope.

Grant, O God, that Thy love may be spread abroad in our hearts through the Holy Ghost which is given us. Keep undimmed the bright skies of hope that shine upon our brave young Nation. Teach us that naught can shadow our far-flung horizon, beckoning to still happier and more glorious days, save sin, which is the ruin and shame of every people. Save us from sordid manhood and besotted womanhood, from the lust of the flesh, the lust of the eyes, and the pride of life.

And may the God of hope fill us with all joy and peace in believing that we may abound in hope through the power of the Holy Ghost. Through Jesus Christ our Lord. Amen.

The legislative clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 754. An act for the relief of certain Porto Rican taxpayers;

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes;

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field;

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1970. An act for the relief of Dennis W. Scott;
 H. R. 2294. An act for the relief of George H. Gilbert;
 H. R. 6431. An act for the relief of Lewis H. Easterly;
 H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch Soldiers' Home, Los Angeles County, Calif., and for other purposes;
 H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;
 H. R. 7518. An act for the relief of the Farmers' National Bank of Danville, Ky.;
 H. R. 8550. An act to amend the national defense act;
 H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;
 H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;
 H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;
 H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes;
 H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia;
 H. R. 8983. An act for the relief of William G. Beaty, deceased;
 H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania;
 H. R. 9902. An act for the relief of James A. DeLoach;
 H. R. 10038. An act for the relief of Wilford W. Caldwell;
 H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California;
 H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; and
 H. J. Res. 244. Joint resolution authorizing a modification of the adopted project for Oakland Harbor, Calif.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Sheppard
Bayard	Frazier	Locher	Shipstead
Bingham	George	McLean	Shortridge
Black	Gerry	McMaster	Simmons
Blaine	Glass	McNary	Smith
Blease	Goff	Mayfield	Smoot
Borah	Gooding	Metcalf	Steiwer
Brookhart	Gould	Moses	Stephens
Broussard	Greene	Neely	Swanson
Bruce	Hale	Norbeck	Thomas
Capper	Harrison	Norris	Tydings
Caraway	Hayden	Nye	Tyson
Copeland	Hefflin	Oddie	Vandenberg
Couzens	Howell	Overman	Wagner
Curtis	Johnson	Pittman	Walsh, Mont.
Cutting	Jones	Ransdell	Warren
Dill	Kendrick	Reed, Pa.	Waterman
Edge	Keyes	Sackett	Watson
Fess	King	Schall	Wheeler

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

JULIAN E. GILLESPIE

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting draft of proposed legislation for the relief of Julian E. Gillespie, temporary special disbursing agent of the Bureau of Foreign and Domestic Commerce, in the matter of certain expenditures, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the New York County Lawyers' Association, opposing the passage of the bill (S. 3151) to limit the jurisdiction of district courts of the United States, which were referred to the Committee on the Judiciary.

Mr. FESS presented petitions of sundry citizens of Cuyahoga County and College Hill, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of New York City, Brooklyn, and Richmond Hill, all in the State

of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Jackson County, Mo., and the State of Oregon, praying for the passage of legislation providing for the identification of children at birth by finger and foot prints on joined cards for the mothers and children; identifying persons injured, lost, or otherwise unmarked; and also requiring aliens and travelers to carry finger-printed identification cards, which were referred to the Committee on Immigration.

PROTECTION OF MIGRATORY BIRDS

Mr. TYDINGS. Mr. President, the other day when the migratory bird bill was before the Senate I stated that the game warden of Maryland was opposed to the \$1 license fee. I had had a talk with him, and he stated that he was for the purposes of the bill, but, as I understood it, he was not particular about raising the money in that way. I have a letter from him this morning in which he states that I must have misunderstood him. I ask unanimous consent to have the letter printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

STATE OF MARYLAND,
 CONSERVATION DEPARTMENT, GAME DIVISION,
 Baltimore, Md., April 18, 1928.

Senator MILLARD E. TYDINGS,

United States Senate, Washington, D. C.

DEAR SENATOR TYDINGS: I have been informed that on April 17 there was an amendment offered to the game refuge bill, S. 1271, to eliminate the \$1 license feature, and provided for an appropriation by Congress of \$1,000,000 for this work.

I understand that you, on the floor of the United States Senate, quoted me as having changed my opinion relative to the game refuge bill. I can not understand how you received this impression. As you are aware, you received a letter from me written on March 28 relative to this bill and requesting your support. I received a reply on March 29, and answered same immediately regarding same, at which time I stated if the \$1 license feature was the only objection and would cause the defeat of the bill, and Congress would make the proper appropriation, I had no objection to same; however, still feel that the \$1 license feature of the bill is very essential, and believe in placing the burden of financing conservation work on the shoulders of those who receive the benefit of same, and am sure the \$1 license feature would more adequately finance the work required by this bill than the money which Congress would appropriate, as I do not believe Congress would make a sufficient appropriation annually, where, I am sure, the \$1 license feature would bring in adequate revenue to take care of same.

Therefore, knowing you as I do, I am sure you did not intend to misquote me, but feel you have misunderstood me, and sincerely hope the game refuge bill, providing for the \$1 hunters' license system, will be enacted into law and placed on the Federal statute books, thereby keeping our faith with Canada and placing the United States Government in a position to carry out their part of the treaty between the United States and Canada.

Assuring you of my sincere friendship and thanking you for your cooperation, I am,

Yours very truly,

E. LEB LÉCOMTE,
 State Game Warden.

ALIEN PROPERTY AND OTHER CLAIMS

Mr. SMOOT. Mr. President, I have here a letter from Mr. A. W. Lafferty, which I ask to have printed in the RECORD, and I also ask to have printed in the RECORD my reply to it.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NEW YORK, March 31, 1928.

HON. REED SMOOT,

United States Senate, Washington, D. C.

DEAR SIR: A week ago to-day, March 24, you placed in the CONGRESSIONAL RECORD a copy of a letter written by me February 11, 1928, to G. Siegel & Co., Stuttgart, Germany, regarding the recent alien property legislation.

You said the letter was "filled with falsehoods" and that you thought it advisable to let the German owners interested know that "Mr. Lafferty is writing to his clients making a number of statements which are absolutely untrue."

I hereby denounce as untrue your accusations and ask that you offer this letter for the CONGRESSIONAL RECORD as my answer thereto.

When you were asked by a Senator to point out in detail wherein my letter was untrue, you failed utterly. You did no more than to read the first paragraph of my letter, wherein I claimed to have succeeded in my fight for an 80 per cent release for my clients, instead of a mere 60

per cent release, as was proposed in the bill reported by you in the first instance, and then your sole comment in refutation of my claim of success was as follows:

"The fact of the matter is that the House of Representatives agreed upon 80 per cent and there was no question in the minds of the members of the Finance Committee to change it in the least. Mr. Lafferty had nothing whatever to do with it."

Will you deny that last session the House also passed an 80 per cent bill and that your committee did change it and reported a 60 per cent bill? Such is the record.

Will you deny that I filed four major briefs and many smaller briefs before you and each member of your committee the past winter protesting against your committee taking the same action this session that it took last in regard to cutting the bill down from an 80 per cent bill to a 60 per cent bill?

Will you deny that I appeared personally before your committee in January, speaking longer than any other person at the public hearings, as the record will show, and that I there repeated my protests against cutting the bill down from an 80 per cent release to a mere 60 per cent release, as was done by your committee last session?

Just when did your committee make up its mind not to cut the bill down from an 80 per cent release to a mere 60 per cent release at the present session? And just why did your committee change its 60 per cent program of last session?

You say I had absolutely nothing to do with it. I ask you to state who did. And when did the change take place? If you will answer these questions, then you will be in a better position to point out, if you can, wherein my letter was "filled with falsehoods."

Personally, I do not care a snap of my finger for your accusations. But I served four long years in the very Congress of which you were then and now are a distinguished upper-branch Member, and I owe it to you and to every man who has ever served in Congress or ever will, and to my relatives now living and yet unborn, to refute your charge that I have signed my name to falsehoods. When I signed that letter I believed it was true, and I still believe it was absolutely and wholly true, and for that reason it was not a falsehood, even though I may have been grossly mistaken as to just what part I played, if any part at all, in changing your committee from the attitude it took last session for a mere 60 per cent release to its final attitude for an 80 per cent release.

You reported last session's bill, Senator SMOOT. Therefore it is conclusive that you favored only a 60 per cent release at that time. Just when did you, personally, change your mind, and why? I thought you changed—partly, at least—as a result of the more thorough and patient hearings you gave the subject this session, and I learn from your denunciation of my letter for the first time that "there was no question in the minds of the members of the Finance Committee" even suggesting a change this year from an 80 per cent release to a 60 per cent release. If you had given us that information before the hearings this year it would have saved a lot of time and work. But I can not yet see how that would have been possible, since five members of the Finance Committee are new this session and had never even heard the subject discussed before. And none of the older members had publicly made it known that they had undergone a change of mind from the 60 per cent commitment, not even yourself.

August 10, 1927, you were quoted in the press throughout Germany, in a dispatch from Washington, as follows:

"Senator SMOOT stated that the German properties would be returned, but he said the House bill providing for an 80 per cent release would have no chance to pass, and that under no circumstances would more than 60 per cent of the German properties be returned, and that the Finance Committee would stand firm for their last year's proposal."

Besides, the bill which you reported last session confiscated outright the interest on German moneys earned before March 4, 1923, a sum of more than \$25,000,000. That was changed this year, and the owners are given certificates for that interest money. You were good enough to give me a personal hearing in your office this year on this subject, and at the public hearings the record shows that you requested me to repeat for the benefit of the full committee the arguments I had made in your office, which I did, citing a Supreme Court decision in favor of my contention. I appreciated your courtesy and patience more than I could express, and I wired and wrote all my clients of your great assistance. But if I had nothing whatever to do with the outcome of the bill, it seems to me that it were idle for you to have spent the time of yourself and your committee in the manner here shown.

The answer to this whole riddle is jealousy. I have very few German clients, but certain individuals imagine I have a great many, and they want these clients for themselves and their friends. Many efforts have been made in the past to take my few clients away from me but without success, except in a very few cases. I doubt not that the Siegel letter was handed to you by certain selfish individuals who hope to profit at my expense, and I was probably represented to you as claiming the credit for the work of yourself and your committee in order to stir your ire against me. If so, nothing could be further from the truth. The Senate Finance Committee and its chairman are

entitled to all the credit for the 80 per cent release of seized private German property in America, in cash and kind, and 5 per cent interest-bearing certificates for the 20 per cent temporarily withheld to help pay American claims, so far as the bill as reported this year to the Senate and as it subsequently passed is concerned. No advocate, without the help of the committee, could do anything. The committee held the power, and the credit is all due the committee.

I did my best for my few clients. I am grateful to the Finance Committee and to the Senate and to Congress for what my clients will receive under the law, and I am satisfied. But I do not propose to rest under the charge of being the author of "falsehoods" either in connection with the long and arduous work that has been performed by all faithfully connected with it either during its performance or after its completion.

With all due regard, very truly yours,

D. W. LAFFERTY.

UNITED STATES SENATE,

April 18, 1928.

Mr. A. W. LAFFERTY,

510 Park Avenue, New York City, N. Y.

DEAR MR. LAFFERTY: I am in receipt of your letter of April 7, 1928, in answer to my letter of the 5th.

I have been tied up night and day with the consideration of the pending revenue bill and for that reason you must excuse me for not answering your letter before this.

First, the statement to which I referred as being untrue, is as follows:

"You may have heard that I generated some warmth at Washington in regard to the alien property bill. I did, and if I had not done so the capital release would have been only 60 per cent this year instead of 80 per cent. I let the big American damage-award holders, as well as the big German shipping companies and banks, understand that unless my clients got at least an 80 per cent release this year I would point out to the Senate Finance Committee some of the weaknesses of the larger claimants on both sides. As a result, hearings were ordered before the Senate Finance Committee and the large American claimants then agreed to an 80 per cent release of capital at this session to all German property owners."

In justification of my statement I want to say to you that I, myself, had been convinced that the 80 per cent release of the property this year instead of 60 per cent, as provided in the Senate bill a year ago, was the proper thing to do. I had discussed it with other members of the committee before even the hearings began and I can truthfully say that a majority of the committee agreed to that proposition prior to the holding of hearings. In the hearings, however, we heard others on this subject besides yourself. This was done for the record and to secure, if possible, a united vote on the question.

The bill would have been reported to the Senate with the 80 per cent provision if you or any other witness had not appeared before the committee on the subject of the 80 per cent. So your statement that the 60 per cent program would have gone through except for the aggressive fight you put up at Washington for the upstanding German property claimants was not the truth.

You state that your strategy, which you believed would win before the Senate Finance Committee, did win. That is not the case.

You also state that they will receive 5 per cent interest-bearing certificates for the 20 per cent of their capital withheld, and they will receive also certificates for the interest earned by their custodianized cash prior to March 4, 1923, a period of five years, and that interest item will amount to another 20 per cent of the capital, and the last-named item would have been lost entirely this year to the German property claimants if it had not been for the hearings which you alone demanded and procured before the Senate Finance Committee.

This is another exaggerated statement, and I want to say not the truth.

I had a number of briefs on this same subject. It had been discussed between the committee and the Alien Property Custodian, and an expression had been made on the part of the committee against it on the basis that it would never amount to much, as it depended upon the German payments continuing for over 25 years.

If I remember correctly, when Senator KING offered this amendment on the floor of the Senate, I accepted it as chairman of the Finance Committee.

As stated in my letter to you of April 5, 1928, I shall have your letter of March 31, 1928, addressed to me, inserted in the RECORD together with this letter.

With best wishes, I remain, yours truly,

REED SMOOT.

REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 4126) authorizing the Secretary of the Interior to issue a patent to Katie Cassidy for a certain tract of land, reported it without amendment and submitted a report (No. 837) thereon.

Mr. HEFLIN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3845) to prohibit

predictions with respect to cotton or grain prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government, reported it with amendments.

Mr. McNARY. I report back from the Committee on Agriculture and Forestry without amendment what is known as the European corn borer bill, being the bill (H. R. 12632) to provide for the eradication or control of the European corn borer, and I submit a report (No. 839) thereon. I wish to state that I shall call up the bill, together with other similar bills, at an early day.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McNARY also, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 484) to amend section 10 of the plant quarantine act, approved August 20, 1912 (Rept. No. 841);

A bill (H. R. 4068) for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army (Rept. No. 838); and

A bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes (Rept. No. 840).

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6635) to regulate the employment of minors within the District of Columbia, reported it without amendment and submitted a report (No. 842) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, reported it without amendment and submitted a report (No. 843) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 754. An act for the relief of certain Porto Rican taxpayers;

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes; and

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILL:

A bill (S. 4137) authorizing an appropriation for Mount Adams Highway on the Yakima Indian Reservation; to the Committee on Indian Affairs.

A bill (S. 4138) granting a pension to Mary A. Walters; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 4139) granting an increase of pension to Laura A. Burnham; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4140) for the relief of the City of Beaumont Ship Corporation; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 4141) granting an increase of pension to Sirena A. Moore; to the Committee on Pensions.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 4142) granting a pension to Mary F. Buckles (with accompanying papers);

A bill (S. 4143) granting an increase of pension to Emma A. Burton (with accompanying papers); and

A bill (S. 4144) granting an increase of pension to Ruhamah Shafer (with an accompanying paper); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 4145) granting an increase of pension to Caroline Nickles (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 4146) granting an increase of pension to Frances O. Thompson (with accompanying papers); to the Committee on Pensions.

A bill (S. 4147) for the relief of certain claimants who suffered loss by fire in the State of Minnesota during October, 1918; to the Committee on Claims.

A bill (S. 4148) authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota; to the Committee on Military Affairs.

By Mr. BROUSSARD:

A bill (S. 4149) to authorize the establishment of the north-west Louisiana game and fish preserve, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CUTTING:

A bill (S. 4150) to provide adequate compensation and treatment for veterans having a tubercular disease; to the Committee on Finance.

A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution of the United States relative to the nomination or election of Members of Congress; to the Committee on the Judiciary.

COLUMBIA BASIN RECLAMATION PROJECT

Mr. JONES and Mr. DILL jointly submitted an amendment intended to be proposed by them to the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, which was ordered to lie on the table and to be printed.

COMMITTEE SERVICE

Mr. WALSH of Montana. Mr. President, I ask that the junior Senator from Ohio [Mr. LOCHER] be designated as a member of the following committees: Education and Labor, Post Offices and Post Roads, and Pensions, there being a vacancy on each of those committees.

The VICE PRESIDENT. Without objection, it is so ordered.

The order was reduced to writing, as follows:

Ordered, That Mr. LOCHER be assigned to service on the following committees: Education and Labor, Post Offices and Post Roads, and Pensions.

INVESTIGATION OF SALT CREEK OIL LEASES

Mr. NORRIS. Mr. President, I ask to have the clerk read a Senate resolution which I send to the desk. Then I would like to have the judgment of the Chair as to whether it is necessary that the resolution shall be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, since it is in the nature of an amendment to an existing resolution. I call the attention of the Chair to its reading. I ask that the clerk may read the resolution, and then I shall ask for its present consideration.

The VICE PRESIDENT. The clerk will read the resolution. The Chief Clerk read the resolution (S. Res. 202), as follows:

Resolved, That the Committee on Public Lands and Surveys, or any subcommittee thereof, in addition to the authority conferred upon it by Senate Resolutions 282 and 294 in the Sixty-seventh Congress, and Senate Resolution 101 in the Seventieth Congress, be, and it is hereby, authorized and directed to make a full and complete investigation as to the leasing of the oil lands in the Salt Creek field in the State of Wyoming, for the purpose of ascertaining whether said leases, or any of them, were illegal or fraudulent and whether the assigning of any such leases or the operation under said leases has given to any individual or corporation a monopoly in the production of oil, or whether the said leasing or assignment of leases or operation thereof has tended toward the creation or organization of any monopoly in the production of oil; and to ascertain and report to the Senate whether said leases, or any of them, are fraudulent and could or should be annulled or canceled by the United States Government; and, if the said leasing or the assignment of any of said leases or the operation thereof has been fraudulent or illegal or has resulted in a monopoly or tending toward a monopoly, to report to the Senate what, if any, legislation should be enacted by Congress for the purpose of curing such evils.

The authority conferred upon said committee by said Senate Resolutions 282 and 294 in the Sixty-seventh Congress and Senate Resolution 101 in the Seventieth Congress are hereby extended and continued for the purpose of the additional investigation herein provided for to the same extent and as fully as though they were incorporated herein.

The VICE PRESIDENT. After consultation with the parliamentarian, the Chair holds that since the resolution, if adopted, will create a charge against the contingent fund and provide for a new investigation, the resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. NORRIS. Then, I ask that the resolution be referred to that committee.

The VICE PRESIDENT. The resolution will be so referred.

UNEMPLOYMENT CONDITIONS

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Independent for April 14, 1928, written by the junior Senator from New York [Mr. WAGNER].

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

SOUND POLICY TO BREAK THE BREAD LINES

I can not believe that it is just sentimental sympathy which has called forth so tremendous a response to the suggestion made in the United States Senate that the Nation begin to attack its unemployment problem. I might have ascribed it to the feeling of charity and human kindness if it were not for the fact that it has been taken up by hard and weather-beaten editors who are not ordinarily swayed by the soft emotion. There is something real and fundamental underneath the present unemployment problem which radically distinguishes it from the romantic episodes of the old General Cockey's army.

Unemployment to-day is of vastly greater significance than it was half a century ago, primarily for the reason that we have become a Nation of wage earners. First, the disappearance of the western frontier; second, the drift of population from the farm to the city; and, third, the growth and development of large corporate business have transformed a nation of independent enterprisers into a people largely dependent upon wages and employment for gaining a livelihood.

All the signs point to the continuance of these economic tendencies. Farm land is naturally limited in quantity, and the size of the tract which the farmer is capable of handling is, through the use of machinery, rapidly increasing. The farm is, consequently, bound to continue to send increments of population to the cities, there to seek industrial and commercial employment in competition with those displayed by machinery and the expanded productivity of labor.

Upon the availability of work and wages, therefore, depends the primary happiness of an ever-increasing proportion of the American people, and the periodic failure of work is the most vicious threat to their security. So far the problem has received but scant attention in the formation of our national economic policies. But in the economic life of every family it has long played a leading rôle. Even in times of plentiful employment, the fear of the loss of work haunts the hearth of every wage earner. It is a dread fear which can not be overcome by courage alone, for over it the worker has no control.

In its struggle for recognition as the major national problem, unemployment must overcome two dangerous attitudes, both of which have found expression in high places. The first is that doses of unemployment are healthful because they serve to teach labor "its place." It is almost superfluous to add that those who subscribe to this view are also of the opinion that the "place of labor" is very low. They look with disfavor upon anything which may enable labor to bargain more effectively for its fair and adequate share of the products of industry.

The second attitude that must be overcome is that which tearfully acknowledges the existence of unemployment and regretfully concludes that it must be so. Such a philosophy of inaction and despair is less malignant than the other, but no less dangerous. Its followers regularly preach the creed that unemployment must be allowed to adjust itself. Even if self-adjustment were to be expected, the question is, Who is to bear the great cost and the terrific losses during the period of adjustment? Are we going to continue to load that burden upon the shoulders of those least able to bear it? For a long time the total loss of industrial accidents was borne by the poor unfortunates who were injured, until workmen's compensation was conceived and the cost was transferred to the industry where it rightfully belonged. Incidentally, that has proved to be a great stimulant to the introduction of safety devices and safety methods. It may well be that a similar result would follow if industry were compelled to bear the cost of its seasonal and cyclical unemployment.

Self-adjustment is but an apologetic title for a do-nothing policy and for a condition of mental sterility. Only those who can complacently see poverty, misery, wretchedness, falling standards, and declining ideals will urge its adoption as a national policy.

How unemployment affects the man who is out of work is fairly well known. His savings are exhausted, his buying power destroyed, and his self-respect undermined. If the idleness is prolonged, not only he but his wife and children suffer actual want and privation until finally they submit to the humiliation of receiving charitable relief.

Is the man at work entirely free from the influence of unemployment? By no means. One of the grave dangers of slavery was that it subjected free workingmen to the unfair competition of slaves. That same unfair competition is inherent in the existence of a standing army of unemployed who are ready to accept employment at any price. It is the presence of this competition which makes the unemployment problem way and beyond more significant than the question of relief to the

wageless men, for by causing competition with employed labor enforced idleness serves as a great lever to depress the standard of living of those employed, and to deprive them of any sense of security.

Both the man on the job and the man involuntarily idle look to their Government for protection, and the national welfare demands that it respond at least to the extent of taking the initiative in a campaign against unemployment that will give no quarter to the enemy. Those who are presumably speaking for the present administration are already busy at the task of comforting the public into its smug complacency toward unemployment, and thereby excusing their own failure of accomplishment in stemming the tide of idleness.

One Federal department announces that the presence of 1,000,000 who are out of work is "normal," and, therefore, nothing to be alarmed about. To my way of thinking, there is an unashamed callousness in the logic which reasons that because it is statistically "normal" for a million workers to be compelled to go without work and wages that, therefore, there is no ground for alarm. Do the families whose breadwinners belong to the unlucky million likewise feel that alarm is unwarranted? What peace of mind can the other workers enjoy when they know that, through no fault of theirs, they may be at any time drafted to join the ranks of the idle million? Fully to realize the significance of a statistical million of idle men imagination is necessary—imagination which can read into those digits the anxiety, the cruelly crushing anxiety which they record for a million homes.

The spokesman for another Federal department has declared that relief will come only from the creation of new industries, and he has appealed to the inventive genius of the Nation to exert itself in that direction. Here again a policy is laid down which is no policy at all. Instead of suggesting affirmative action, it relies on the hope that somehow invention will come at the right time and take up just the necessary amount of slack in the industrial machine. It is a truism that the development of new industries is desirable, but the far-reaching inventions and discoveries upon which new industries are founded come into being out of the untapped genius of mankind and do not at all respond to exhortation. No one can foretell when they will come. No one can frame a policy of unemployment relief which relies upon so uncertain a method of solution.

What a confession of defeat it is to admit that there is nothing we can do about unemployment. True enough, there is no ready-made panacea for sustained or periodic idleness, but certainly we shall never find a cure so long as we believe either that nothing can be done about it or that nothing should be done about it; in other words, so long as we despair of discovering a solution or rest upon the pious hope that all will be well. A policy of deliberate experimentation must be substituted for these prevailing attitudes.

The experiments must be along several lines: Increasing wages, thereby enlarging the purchasing power of the working population; decreasing hours to compensate for the expanding productivity of labor; distribution of the risk and burden of unemployment so as to minimize the hardship resulting from idleness; perfecting the channel between the workman and his job through a system of employment agencies; gathering of the pertinent information and data as to employment, unemployment, wages, and prices so as to permit business to be guided intelligently by reference to the facts, and the utilization of the tremendous spending power of government as a great balance wheel to stabilize the vibration of the entire industrial machinery.

These projects must be experimented with vigorously and with a zealous determination to eradicate joblessness. No such experiment will be undertaken or prove successful so long as those who are in charge of the laboratory are of the mind that all is well in our economic household.

CERTAIN OFFICIALS OF PHILIPPINE GOVERNMENT

Mr. BINGHAM. Mr. President, in accordance with the understanding reached several days ago, I ask unanimous consent that the Senate now proceed to the consideration of the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials, being the bill which was introduced by the late Senator from Ohio, Mr. Willis.

Mr. WHEELER. I object.

The VICE PRESIDENT. The Senator from Montana objects to the request of the Senator from Connecticut.

Mr. BINGHAM. Then I move that the Senate now proceed to the consideration of the bill, notwithstanding the objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut.

Mr. McNARY and Mr. WHEELER addressed the Chair.

The VICE PRESIDENT. The motion is not debatable.

Mr. McNARY. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Has morning business been concluded?

The VICE PRESIDENT. Morning business has been concluded.

Mr. McNARY. Will the Senator from Connecticut withhold his motion for just a moment in order that I may submit a report?

Mr. BINGHAM. Certainly.

(The report submitted by Mr. McNARY appears elsewhere in the RECORD under the proper heading.)

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut [Mr. BINGHAM] to proceed to the consideration of Senate bill No. 2292.

Mr. WALSH of Montana. Mr. President—

The VICE PRESIDENT. The motion is not debatable.

Mr. WALSH of Montana. I ask that the bill may be read for the information of the Senate.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 29 of the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, is amended to read as follows:

"Sec. 29. That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature; and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, \$25,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; vice governor, \$15,000; chief justice of the supreme court, \$10,500; associate justices of the supreme court, \$10,000; auditor, \$15,000; one assistant auditor, \$7,500; one assistant auditor, \$6,000: *Provided, however,* That no officer whose salary is so paid under this section shall receive either from the treasury of the Philippine Islands or from any other source whatever any additional salary unless specifically provided by law."

Sec. 2. That a new section is hereby inserted between sections 29 and 30 of the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916, as follows:

"Sec. 29½. That from and after the passage of this act all taxes levied, collected, and paid in accordance with law upon articles, goods, wares, or merchandise brought into the United States from the Philippine Islands shall, as heretofore, accrue intact to the general government of the Philippine Islands, and of the amounts so accruing the Governor General may, with the prior approval of the Secretary of War, expend not to exceed \$125,000 per annum, without the necessity of further appropriation, for salary, travel, and other expenses of such civilian assistants and technical advisers, or such emergency assistants, as he may see fit to employ on contracts calling for whole-time or part-time service."

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut to proceed to the consideration of the bill.

Mr. WALSH of Montana. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON] I transfer that pair to the Senator from Illinois [Mr. DENEEN] and will vote. I vote "yea."

The roll call was concluded.

Mr. GEORGE. I have a pair with the Senator from Colorado [Mr. PHIPPS]. I am informed that if present he would vote "yea" on this motion. I withhold my vote.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Indiana [Mr. ROBINSON] with the Senator from New Mexico [Mr. BRATTON];

The Senator from Oklahoma [Mr. PINE] with the Senator from Massachusetts [Mr. WALSH];

The Senator from Massachusetts [Mr. GILLET] with the Senator from Tennessee [Mr. McKELLAR]; and

The Senator from Maine [Mr. GOULD] with the Senator from New Jersey [Mr. EDWARDS].

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate by illness.

Mr. GEORGE. I wish to announce that my colleague the senior Senator from Georgia [Mr. HARRIS] is necessarily detained from the Senate on official business.

The result was announced—yeas 46, nays 20, as follows:

YEAS—46

Ashurst	Edge	Keyes	Sheppard
Bayard	Fess	Locher	Shortridge
Bingham	Frazier	McMaster	Smoot
Black	Gooding	McNary	Steiner
Blease	Greene	Mayfield	Tydings
Borah	Hale	Metcalf	Tyson
Brookhart	Hayden	Moses	Vandenberg
Bruce	Heflin	Norbeck	Warren
Capper	Howell	Oddie	Waterman
Couzens	Johnson	Reed, Pa.	Watson
Curtis	Jones	Sackett	
Cutting	Kendrick	Schall	

NAYS—20

Blaine	Gerry	Norris	Simmons
Broussard	Glass	Nye	Smith
Caraway	King	Overman	Thomas
Dill	La Follette	Ransdell	Walsh, Mont.
Fletcher	Neely	Shipstead	Wheeler

NOT VOTING—28

Barkley	George	McKellar	Robinson, Ind.
Bratton	Gillett	McLean	Steck
Copeland	Goff	Phipps	Stephens
Dale	Gould	Pittman	Swanson
Deneen	Harris	Reed, Mo.	Trammell
du Pont	Harrison	Robinson, Ark.	Wagner
Edwards	Hawes		Walsh, Mass.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials, which had been reported from the Committee on Territories and Insular Possessions with amendments.

Mr. BINGHAM. Mr. President, I ask that the committee amendments may be considered.

The VICE PRESIDENT. The clerk will read the first committee amendment.

Mr. WALSH of Montana. Mr. President, I wish to call the attention of the Senate to the nature of this proposed legislation, and then I shall ask the Senate to permit to be heard concerning this matter representatives of the Philippine people who are without representation in this body.

The gist of the bill is in the first few lines. It provides:

That, except as in this act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature—

That is a very sensible provision.

Then it continues:

and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor.

That is to say, to that extent we propose to take out of the hands of the Philippine people the power to regulate their own affairs even with respect to the matter of appropriations for minor offices of the civil government.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BINGHAM. I think the Senator will find that that is the law at present. The only change made in the first paragraph is the change in the amounts of the salaries.

Mr. WALSH of Montana. Well, that is the matter of which we complain. We started in with a military government in the Philippines, and, pursuant to sound American principles, we got rid of that just as speedily as we could. The government then consisted of a commission appointed by the President of the United States and confirmed by the Senate, without any participation in the government on the part of the Philippine people.

Later on we established a legislature for the Philippines, the lower branch of the legislature consisting of members elected by the Philippine people themselves, the other branch consisting of members appointed by the President of the United States. When, however, Mr. Wilson became President in 1913 he recognized the right of self-government so far as to appoint a majority of the upper house from the Philippine people themselves; and then under the Jones Act, passed in 1915, the Philippine people were given the power to elect members of both branches of their legislature, and to regulate their own affairs just as we do our own affairs.

This bill attempts to fix the salaries of these officers, and provides that if the Philippine people do not make any appropriation, the thing goes on.

Mr. BINGHAM. But, Mr. President, those are the words of the Jones Act to which the Senator has just referred. There is no change in existing law in that respect. Did the Senator vote for the Jones Act when it became a law?

Mr. WALSH of Montana. I voted for the Jones Act.

Mr. BINGHAM. Then the Senator voted for the sentence to which he is objecting.

Mr. WALSH of Montana. I ask that the statement of Mr. GUEVARA, Resident Commissioner of the United States from the Philippines, be read in explanation of the attitude of the Philippine people respecting this measure.

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, the Secretary will read, as requested.

The legislative clerk proceeded to read the statement, and after having read for about 20 minutes—

Mr. HEFLIN. Mr. President, I ask unanimous consent that the further reading of this document be dispensed with.

The PRESIDING OFFICER (Mr. Fess in the chair). Is there objection?

Mr. WALSH of Montana. I object.

Mr. HEFLIN. Then I move that the further reading be dispensed with. There is not a Senator in this body listening to it. It is a great, long document, House committee hearings, I understand, and the reading is consuming time and no one is listening to it. What is the use in having it read at the desk? Why not print it in the RECORD?

The PRESIDING OFFICER. The motion is not debatable. The question is on agreeing to the motion of the Senator from Alabama [putting the question].

Mr. HEFLIN. I ask for a division.

Mr. WALSH of Montana. Before the question is voted on, I want to observe that the statement so far is a discussion by Mr. GUEVARA of the general principles which ought to control our legislation. He has not yet reached the specific discussion of the provisions of this bill, which commences on page 13. I trust, at least, that the Philippine people will have an opportunity to be heard with respect to the specific provisions of the bill.

The PRESIDING OFFICER. The motion is not debatable.

On a division, the motion was rejected.

The clerk will continue the reading.

Mr. KING. I am very glad to know that there are only one or two Members of this body opposed to the Filipinos being heard.

Mr. HEFLIN. Nobody is opposed to their being heard. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Sheppard
Bayard	Frazier	Locher	Shipstead
Bingham	George	McLean	Shortridge
Black	Gerry	McMaster	Simmons
Blaine	Glass	McNary	Smith
Blease	Gooding	Mayfield	Smoot
Borah	Gould	Metcalf	Stelwer
Brookhart	Greene	Moses	Stephens
Broussard	Hale	Neely	Swanson
Bruce	Harris	Norbeck	Thomas
Capper	Harrison	Norris	Tydings
Caraway	Hawes	Nye	Tyson
Copeland	Hayden	Oddie	Vandenberg
Couzens	Hefflin	Overman	Wagner
Curtis	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Ransdell	Warren
Dale	Jones	Reed, Mo.	Waterman
Dill	Kendrick	Reed, Pa.	Watson
Edge	Keyes	Sackett	Wheeler
Fess	King	Schall	

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, there is a quorum present.

Mr. WALSH of Montana. Mr. President, I have just been advised that the Senator from Alabama [Mr. HEFLIN] expected to address the Senate at this hour. In view of that fact, I ask unanimous consent that the further reading of the remarks of the representative from the Philippine Islands be suspended until the conclusion of the address of the Senator from Alabama.

Mr. BINGHAM. Mr. President, will not the Senator couple with that a request that the matter may be inserted in the RECORD without being read?

Mr. WALSH of Montana. No; I would like to have those portions read which relate to the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The senior Senator from Alabama will proceed.

DEMOCRATIC PRESIDENTIAL CANDIDACY

Mr. HEFLIN. Mr. President, the first amendment of the Constitution of the United States provides that there shall be no "abridging of the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The New York World on April 16, on the front page contained an article sent by a New York World correspondent who is now sojourning in Asheville, N. C. I suppose he accompanied Governor Smith to that beautiful and charming place. This man is named Frank L. Hopkins, staff correspondent of the World. The headlines read as follows:

HEFLIN's fight on Smith hits official snag. Winston-Salem bars the use of courthouse as speaking place to lash New York executive. Asheville also likely to clamp lid on Senator.

Then the article reads:

ASHEVILLE, N. C., April 15.—"Just watch what TOM HEFLIN is going to do to Smith."

This was the word quietly passed around the anti-Catholic group of North Carolina last Friday when they saw the warm reception that Governor Smith received on his arrival at Biltmore. HEFLIN, they boasted, was going to follow Governor Smith into the State and after that the New Yorker might just as well go home. The Alabaman was advertised to speak at Winston-Salem.

Word came to-day that the commissioners of Forsyth County had denied to HEFLIN the use of the county courthouse in Winston-Salem as a speaking place. If he wants a hall he will have to go out and hire one. And while specific details are lacking there are strong intimations that he may have difficulty even then.

ASHEVILLE WON'T HAVE HEFLIN

The chairman of the county commissioners was quoted as saying this body was fully convinced that HEFLIN's intention was to "injure the reputation of respectable citizens" and they did not propose to permit any public property to be used for that purpose. It is declared by those in the know in Asheville that Senator HEFLIN would have equal or greater difficulty in getting in here.

Mr. President, that is a remarkable statement coming from the Old North State by one who has gone down there with Governor Smith, of New York, taking the Tammany tactics with him and carrying the atmosphere of intolerance, bitterness, coercion, and intimidation. This suggestion comes without warrant. I dare say there is not a decent official in North Carolina who would sanction such a suggestion.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. I am glad to yield to the able Senator from North Carolina.

Mr. SIMMONS. I think, after more than 45 years in politics in North Carolina, that I know very well the people of that State. Whatever may be said by partisans about their "intolerance," as a matter of fact there is not a more liberal-minded population in America than inhabits the State of North Carolina. I do not believe there is a word of truth in the statement that the board of commissioners of Forsyth County have indicated a purpose to deny the Senator from Alabama the privilege to speak in the courthouse. I do not believe that under any conditions the board of commissioners of any county in North Carolina would deny the eloquent Senator from Alabama that privilege, a Senator who has visited and spoken in North Carolina many times and never without delighting the people of the State. I believe that not only is the statement untrue as to Forsyth County, but I believe there is not a county in the State of North Carolina that would not heartily accord him or any other Senator in this body the use of its courthouse for the purpose of discussing any question that he might see fit to discuss, especially questions relating to public affairs.

Mr. HEFLIN. Mr. President, I thank the Senator from North Carolina. I was sure that such a sentiment prevails among the people in that State which he and his noble colleague, Senator OVERMAN, so ably represent in the Senate.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I yield.

Mr. BRUCE. Will the Senator allow me to interrupt him just long enough to say that the most beautiful tribute that I have ever heard in my life to the people of the State of North Carolina was paid by the late Cardinal Gibbons, who at one time lived in that State, in an address which I heard on one occasion at the Hotel Rennert, in the city of Baltimore, when delivered by him before the Maryland Society of the State of North Carolina? Never have I known portrayed in more striking

ing and effective terms the pure domestic lives and the general personal virtues of the people of North Carolina, with which I myself happen to be so well acquainted.

Mr. HEFLIN. Mr. President, I repudiate and scorn this newspaper man, and denounce and spurn those who inspired him to send such a misleading untruth and villainous statement to the New York World. I have made no plans to speak at Asheville. That Smith crowd there knew that. I have accepted an invitation to speak at Winston-Salem and at Durham, N. C., and I am going to speak at those two places.

My grandfather, Wyatt Heflin, was born in North Carolina, in Orange County, and, as one who has a right to speak for the old stock which helped to start that State upon the road which led to the high eminence which that great State occupies to-day, I say that this man Hopkins and those who inspired his statement insult the people of North Carolina when they send out a statement like that contained in the New York World, to the effect that the people of North Carolina are ready to indorse and employ the intolerant tactics employed by Tammany in New York City; when they do not want a speech made they prevent it by force.

Since this matter has arisen I am going to relate to the Senate and to the country an experience I had in the State of New York last summer. I was booked to speak at White Plains, N. Y., on the Mexican question just as I had discussed it in the Senate. The day before I was to speak there, being already in the State, having made one or two speeches, and being on my way to White Plains, I was notified that the janitor or superintendent of the State armory at White Plains, who held his position under Governor Smith, had told them that if I spoke in that hall and discussed the Mexican question he would lose his job, and that he would have to withdraw the permit for the people to use that hall for my speech. A patriotic American said, "Go and get the theater. Here is \$200. I will pay the rent for the theater. I will not submit to this sort of thing. No such brutal and intolerant tactics will go here." He was told that the theater had been closed for two or three weeks and was undergoing repairs and that it was impossible to put it in order in time. I canceled the engagement and did not speak in White Plains, N. Y., over which State presides a man as governor who is seeking to be President of the United States.

Does that man believe in free speech? Does he believe in the first amendment to the Constitution? Does he believe in the right of peaceful assemblage? Does he believe in the right of petition to the Government of the United States? No! I hold in my hand another document written by the editor and publisher of The Fourth Estate, March 31, 1928, New York. The headlines read:

Reporter dismissed. Charles C. White discharged from New York Herald-Tribune for writing letter to Senator Nye involving Governor Smith in oil probe.

The only offense that this young man committed was daring to write to a Senator making some suggestion about a matter that was being investigated by the Government of the United States. I believe I know just what occurred. Knowing the tactics of that bunch as I do, I believe they went down to see this manager and editor and said, "If you do not fire that fellow we will boycott your paper." After a service of 25 years White was discharged because he ran amuck of the Roman Catholic political machine in New York State, the head of which is Gov. Alfred E. Smith, now visiting in North Carolina.

Senators, what do you think of a man and a governor who will permit such miserable and un-American tactics as these to be employed? I have waited until this time for him to repudiate that Hopkins statement sent out from Asheville, N. C., and to hear from him to the effect that Senator HEFLIN, so far as he was concerned, was at liberty to speak anywhere on any subject that he chooses to discuss. But no statement has come from him. No repudiation of this unwarranted and false statement has come from this ambitious man—Governor Smith—now visiting in Asheville, N. C. What would you think of the President of the United States, Mr. Coolidge, if he were to permit those going with him on his tour or his vacation to put out a statement that a man who was going to speak in the State where he was visiting was going to speak and take issue with him on the things that he stands for, and therefore he will be refused a place in which to speak? What would you think if you heard that Calvin Coolidge had permitted a statement to go out that a hall would be denied the man to speak in, and that if he got a hall and paid for it, physical violence would be used upon him?

That is the threat against me, Senators, coming from Governor Smith's friends, who went with him from New York to

Asheville, N. C. An American, born on her soil, nurtured at the breast of a Protestant mother, sired by a Protestant father, proud of the religion of both and of the tenets of the Constitution and the fundamental principles of my Government, I would be willing to die for the free institutions of America. And yet, this visit of Governor Smith is made to North Carolina for political purposes. We are told that the governor is down there resting. He is having a nice vacation. Can it be that they have determined that all discussion of matters in which the country is interested must and shall be suspended until Governor Smith's vacation is ended? I do not know whether he got an edict from the Pope to that effect or not. Sometimes the Pope's edicts vitally and injuriously affect American citizens. One of them which the Pope, or college of cardinals, at his instance, issued the other day vitally concerns my country. We have a proposition right now before the Senate to withdraw from Nicaragua our soldiers, who are down there defending and keeping in office Diaz, a Roman Catholic impostor and usurper. He has abolished half of the public schools and has turned the money over to Roman Catholic priests, who ride the streets of the capital city in the limousines of the government. Diaz's troops have retired to places of safety, while our boys are out fighting and dying in the mountain fastnesses of that far-away land.

The money of the Government of the United States is being poured out without stint or limit to carry out this ill-advised and unfortunate foreign program, while our soldiers down there are protecting the property of reckless investors who have gone in there from the United States and put their money in questionable and hazardous situations. This Government, without protest, has permitted an American citizen's property right here at home in the State of Rhode Island to be condemned and injured by a foreign power. This man is the owner and editor of an American newspaper. An order has been issued by the Pope of Rome demanding that he stop publishing his paper. Think of that! In a speech in the Senate last Friday I gave the facts about that case. This intolerant spirit is in the atmosphere around those who believe that the Pope is infallible. Governor Smith has carried that spirit with him to Asheville. It was with him in the governor's office when his appointee at White Plains, N. Y., denied American citizens the right to hear an American Senator tell of the Roman Catholic effort to get us in war with Mexico to restore the Catholic Church to power there.

Senators, the time is coming in this body—and it is not far distant—when there will be more Senators besides myself standing here calling attention to the dangerous and un-American activities of the Roman Catholic political machine. There will be more of them in the House over yonder standing up fighting to preserve in all its integrity this Government in its true American form. We have got this boasting, threatening, colossus in the country; this foreign political machine that now boldly presents its grim front to all public men and all others who aspire to office in the United States, and it says to them, "If you refuse to obey me, if you cross my path, I will destroy you." We have many public men in this country who are lacking in courage and backbone. They are afraid to open their mouths and say what they know ought to be said in order to protect and preserve our American rights and liberties.

What are we going to do, Senators? Are we going to tamely submit to those who would Europeanize our American institutions and make of our country a dumping ground for those foreigners whose plan and program is to completely change our form of government?

Are the principles of the American Government to remain in full force and effect—the pride and hope of liberty-loving Americans—or are the principles of the Roman Catholic government to triumph and be substituted here for the Government of Washington, Jefferson, Lincoln, and McKinley?

These are the questions that confront us. When a bishop of the Catholic Church can take the names of sixty-odd American citizens from Rhode Island, as was done in the case to which I have referred, and carry them to the college of cardinals at the Vatican in Rome and try them in their absence and get a Roman tribunal to pass on their case, conclude it, and condemn them, and excommunicate them, while they are appealing in a court of justice in America asking that justice be done them as American citizens under the flag of the United States—when they can do that, Senators, and get away with it, this country is in a very precarious and dangerous situation. The question naturally arises which one of these governments has exclusive jurisdiction over all citizens in the United States? Watch the newspapers to-morrow. See how they report my speech. You will see some fair reports from some of the boys in the press gallery and some of the reports will not be fair; they will be very unfair.

They will say that Senator HEFLIN exhibited religious intolerance. They have said that many times before. It is not true. I have said before and I want to say again that I am willing for the Catholic to worship as he pleases; nobody will protect him more in that right than I will. If he wants to kneel and worship one way, in a manner entirely different and distinct from the way I worship, I am willing for him to do so. I believe in letting every human being worship God as his or her conscience dictates. I have no religious intolerance in my nature. I am not attacking religious freedom. I am defending it. I am attacking the miserable, insidious, and dangerous tactics of the Roman Catholic political machine. It has boldly and defiantly thrust itself into the political arena of the United States. We have got to combat it and conquer it if this Government is to continue in its present form. The issue is here. I repeat, Senators, that issue is here. The great Democratic Party of the country is threatened by the Irish World, a Roman Catholic newspaper.

It tells the Democratic Party that we have got to nominate Governor Smith, and with other Roman Catholic periodicals throughout the country boldly asserts that if we do not nominate him Roman Catholics will bolt the national Democratic ticket. What is the great Democratic Party going to do when such disgusting, miserable, and insulting methods are employed by those who tried to defeat the Democratic nominee for President in 1916 and 1924? When we consider the fact that this same Roman Catholic group did its best to defeat Woodrow Wilson for reelection in 1916 because he flatly refused to have American boys killed in a war with Mexico on behalf of the Catholic Church, do you wonder that real American Democrats resent such dictatorial and coercive tactics on their part? In view of the fact that Al Smith's bunch bolted John Davis in the last presidential election and delivered the Roman Catholic vote over to Mr. Coolidge, what is the Democratic Party now to do in its own convention with such recalcitrant and renegade political beings who call themselves Democrats?

Shall those who betrayed and left the Democratic Party then be permitted now to come in and take charge of the party and shape its future destiny?

What is the Democratic South to do—the Gibraltar of the Democratic Party, standing with head erect and light upon her face, the courageous and untimidated Southland? A new, strange, and dangerous political doctrine has been carried from New York into the South by Governor Smith and his friends. The trail of intolerance and bigotry is over it all. From that beautiful, romantic, picturesque region of Asheville, amongst as brave and patriotic a people as ever breathed the breath of life, the strange doctrine enunciated by a Roman Catholic agent from New York, emanates "that HEFLIN, a United States Senator," called by the Democracy of North Carolina many times in the past to come and speak there—and I have never failed to respond and I will respond again—an Alabama Senator, an American Senator dare not come; he can not get a hall, and even if he does obtain one there will be serious trouble and disturbance there.

Think of such an announcement in this enlightened age in which we live.

Senators, little by little and bit by bit, that is the way a country loses its liberty; that is the way that great group of dear things you see out yonder got there. They are increasing in number every year. They are properly called "lost liberties." If the Pope's edict can destroy a man's property in Rhode Island; if he can sit in his Vatican in Rome, in a foreign government, and tell an American citizen "You can not publish your paper in the United States for another day," where is the constitutional right and liberty of that man as an American citizen? Our Constitution provides that a man shall not be deprived of his property without due process of law. That means American law, not Roman law; but here is a man being deprived of his property by having it destroyed under the American flag before his very eyes by the edict of the Pope of Rome.

What are you going to do about it, Senators? Day by day Governor Smith is having what is called his life story told in this little Washington News. That paper, of course, is getting a lot of "sweetening" in its coffee from the Roman Catholic political machine. He must be serving them ice cream and strawberry shortcake, and the like. They have got a story about him every day.

"Up from the streets," by Norman Hapgood and somebody else. The editor of the La Fayette Sun in my home town suggested the other day that after the primary it would be "Back to the streets by the pee-pul."

This little News has a story by a Roman pen pusher called Tracy. I do not know what all they are doing to Tracy, but

what they have done to him is a plenty. Some people would sell their soul for money; some people have no ear for music; the only thing that attracts their attention and charms their ear is the clink of dollars and dimes. They must have recently fed Tracy well. Tracy took his pen in hand, after the World correspondent, Hopkins, of New York, Governor Smith's friend, sent out from Asheville that misleading and untruthful statement. Tracy said:

It is quite in keeping with Senator HEFLIN's character that he should hit on the idea of going to North Carolina and insulting the Governor of New York, who is spending a vacation in that State, with his odious claptrap. It is also in keeping with the southern sense of propriety that he should be denied the use of the courthouse at Winston-Salem for such a purpose.

Mr. President, what influence caused this man on the Washington News to say such a thing? Why has that paper picked out Hoover for the Republicans and Al Smith for the Democrats? I will give you some information on those subjects jointly a little later on. They have already had in the Washington News a long story about Hoover, telling things about him from his boyhood. I am satisfied that if Herbert Hoover read some of those little chapters in the story of his life he would not recognize himself as the hero of the story. So Alfred Smith is reading a good deal now that never happened in his brilliant and romantic east side youth time.

But, Mr. President, a strange political campaign is on—political tricks of the trade that Mark Hanna in his palmiest days never thought of are being employed by the Smith forces. In my judgment, a large corruption fund is back of Al Smith in this campaign. His leaders are quietly moving around and quietly and strangely slipping over delegates in States where the rank and file of the party in those States stand against him usually 8 out of every 10 votes. How are they reaching and influencing these delegate manipulators? How are they getting them? Listen to this from the Trenton Evening Times:

Hague ties up delegates by agreeing to pay bills. Expense may be \$100,000, but mayor assumes it in exchange for Smith votes. All go free to the convention.

In exchange for a written pledge to stand by Gov. Al Smith for President to the bitter end, Mayor Frank Hague, of Jersey City, has agreed to defray all traveling and hotel expenses for the New Jersey delegates to the Democratic National Convention at Houston, Tex., in June. The list is to include not only delegates and alternates, but wives and friends to the number of approximately 75. The party may go by special train or by boat, and a conservative estimate of the cost will be from \$75,000 to \$100,000.

There is naturally some interest as to how Hague, whose salary is only \$10,000 a year, will be able to foot such a bill. Whether the signing by the delegates of a written pledge to take orders from Hague at Houston in return for having their bills all paid is in violation of the corrupt practice act is another matter for speculation. The corrupt practice act contemplates that the only money that can be expended in the interest of a candidate must be spent by the officially named manager for such candidate.

Senators, are you learning any politics from this bold and brazen eastern escapade? Hague is not Smith's manager. That is, he has not been designated as such publicly. It seems that anybody they can reach in the East is attending to this thing. A few people are gotten in a room. Delegates and their families are gathered up; a State is traded off and hog-tied. They sign on the dotted line. They pledge themselves to vote for Smith to the bitter end if so much money is put up, and so forth, expenses, hotel bills, taken on a trip to Houston, and stand ready to come at the beck and call of the mayor, Mr. Hague, for Al Smith.

Mr. President, I repeat, I want that resolution introduced—we are discussing it very seriously now, and I think it will be forthcoming soon—to investigate these campaign expenditures. I want to call in these people back of every candidate, call in Mr. Hoover, Governor Lowden, the Senator from Kansas [Mr. CURRIS], and the various other candidates, and interrogate them and others as to the money they are expending to achieve this high honor of being President of the United States.

I want Governor Smith's henchmen summoned to bring down Mayor Hague and ask him where he got this money; ask him who authorized him to expend \$100,000 for one delegation to a national convention; ask them why they are violating the corrupt practices act, if they are violating it. Let us be the judges of that; and ask them what they are doing, and let us decide whether or not they are violating it.

Let me remind you of another thing in connection with this. Governor Smith has not formally declared himself a candidate.

All these things that have been going on, if anything should be dug up and exposed, to his hurt and injury, he could very easily say, "Why, I have never announced that I am a candidate. I do not know anything about what they are doing." This would be done in the hope that he might escape any odium that might attach. Well, let us bring them down here and see. Let us find out what all of them and their friends are doing. Let us find out who is furnishing the money, where it is coming from, how much is being furnished by the Roman Catholic political machine here and elsewhere, and how much is being furnished by the European whisky interests that are fighting to break down the Constitution of the United States and the statutes that seek to enforce it. Let us find that out.

Now let us see something about their tactics before I close.

This is from the Washington Post, from a Mr. Barger. The staff correspondent of the Post, a Mr. Fox, who, I believe, is a staff correspondent—he is a fox, too—is slipping around the country to these various States and claiming everything for Smith. I have understood that he knows a good deal about how the Arkansas delegation was selected. I should like to have him come before this committee that we are going to raise by a resolution in the Senate and let him tell them if he was present when this delegation was selected, and what was said when they were selected.

Mr. Fox is one of the fellows who was mixed up in the Hearst-Catholic-Mexican scandal. He had some correspondence with one of the crooks and scoundrels in that matter, Mr. Gonzales. He showed me a letter in which Gonzales told him that he had had paid to me certain amounts of money through somebody in New Orleans last summer. "Why," I said, "I have not been in New Orleans in the last two or three years." I said, "This fellow is a son of a gun." He said, "What would you do with the letter?" I said, "Take it to Senator Robinson and the special committee appointed to investigate this question, and turn it over to them, and tell them to investigate it"; and I have not heard any more from it—not a word, either from Mr. Fox or from Senator Robinson.

Mr. Fox is one of Governor Smith's main boosters. I wonder how much they are putting in his flanks to go around the country and write this fiction that he is writing, claiming everything in sight for Governor Smith.

Here is the Washington Post this morning. Listen to these headlines. This article is from Mr. Barger of the Post:

Reed men confer to-day on resisting rising Smith tide.

Is not that a glorious picture—the "rising Smith tide"?

Well, Mr. President, they may be able to go up and pluck off a few delegates in the States where the Roman Catholics are in charge of the Democratic organization and where 45 or 50 per cent of the party in some of those non-Democratic States are Catholics. They have done that in several of them recently; and they may be able to pull them off and throw them into the newspaper columns and throw them in our faces at the Capitol in an effort to deceive us into believing that Smith is running away with the nomination and hoping to have us say there is no use to oppose him, you can not defeat him.

That is what they are seeking to do with this miserable and false propaganda. They are not carrying Democratic States. They are plucking off these Smith delegates in States that have no more chance to go Democratic than a snowball has to retain its cold and snow-white appearance down yonder in Pluto's infernal regions. While every Democratic delegate should count, Smith has no right to threaten the Democrats who are opposed to him in States that are normally Democratic. Why should he threaten the Democratic South, that has always held the ark of the covenant when the party completely lost out in the East, the North, and the West? The South, God bless her, stood devotedly and loyally at the altar places of the party, true to the principles of Jefferson, retaining the ark of the covenant; and now comes Governor Smith's henchman in his cabinet at Albany, Tremaine, a State officer, who dares to go into the South and tell the South if she does not truckle and bow her knee to Smith, surrender her convictions, and fall in line, they will punish the South when she asks to have measures passed through Congress—needful, meritorious measures.

And now, on top of that, we find them coming with this spirit of intolerance right down into the South, in North Carolina, where Governor Smith himself has gone; and his friendly correspondent, representing his views and his principles, is sending out a statement that if an American Senator dares to come into that State to speak against what Governor Smith stands for, he is liable to be "mobbed." That is what they are threatening, that they will not let him have a hall to speak in, and he is liable to have trouble, because they will "attack" him if he comes. My God, is that spirit to be tolerated in America? Senators, that spirit has got to be put down. In putting that

down we are not interfering with the Catholic's right to worship. Let him repair to his church and worship as he pleases; but let him know that he can not set up the tenets of the Pope of Rome against the fundamental principles of constitutional government in America. Every loyal American is with me on that; and if there is a Senator here who does not agree with me on that vital question, let him have the courage to stand up here and now and say so.

I am glad to see that my friend from Arkansas [Mr. CARAWAY] has come into the Chamber. In this article that I am reading—and I should like to have the Senator's attention just here—in this remarkable article this morning in the Post, they are boosting Smith and knocking REED. They say:

As to the situation in Arkansas, there is no disposition in any quarter now to challenge the first reports that the Arkansas delegation as a whole favors the New York governor, and that it will vote for him the first opportunity it gets.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. Tyson in the chair). Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield to the Senator gladly.

Mr. CARAWAY. Did the Senator say he was reading from the Washington Post?

Mr. HEFLIN. Yes.

Mr. CARAWAY. Did the Senator get unanimous consent to read that paper in the Senate?

Mr. HEFLIN. I did not get any unanimous consent, but I am reading what they say about the Senator's State, and the Senator himself, I understand, is on that delegation. This paper now is saying that the Arkansas delegation is for Smith and that it will vote for him the first chance it gets. I wish my friend, speaking for four-fifths of the Democrats of his State, who never had an opportunity to vote in a primary on this very important question, would rise up and tell the Senate and the country whether or not that is true.

The Senator from Arkansas, who is sitting before me, fails to respond.

So much for that. I am going to call a general roll here one of these days pretty soon.

Mr. CARAWAY. The Senator is fixing to break a quorum.

Mr. HEFLIN. I may break a quorum; but if I do, I will make the point of no quorum and bring them back and ask them when they come in to tell the people back home how they stand on this question.

You know that story they tell about the drunken fellow in church. The preacher was preaching away, on hypocrites and drunkards, and he said, "You hypocrite, where are you to-day?" and no one answered. After a while he said, "You drunkard, where are you to-day?" He said, "Here I am, Parson, and I ask your prayers." The preacher said, "I repeat my other question: Hypocrite, where are you to-day?" This drunken fellow reached over and took the hypocrite by the shoulder and shook him and said, "Corson, why don't you answer to your name?" [Laughter.]

Mr. President, this article goes on:

Reed chiefs stirred by claims for governor they call propaganda. Senator expected to stay candidate.

You know, it takes a heap of coin to write these nice little sentences, seeking to turn and hook JIM REED off in the ditch instantaneously.

Speeches and shouts are not enough.

These Smith fellows are right about that if they are going to pay a hundred thousand dollars for a single State delegation. If they are going to pay a hundred thousand dollars for a delegation in New Jersey—and this paper of New Jersey says so—\$100,000 to take them to Houston. Then the Post is right, speeches and shouts are not enough. Is this nomination to be bartered to the highest bidder?

NEED ORGANIZATION, FRIENDS ASSERT

By Carlisle Barger

Leaders of Senator JAMES A. REED's presidential campaign are to confer here to-day on what is to be done about his candidacy in the face of the apparent rising tide of Smith sentiment.

There is no suggestion that the Senator contemplates withdrawing from the race. Rather, he is said to be coming back in a fighting mood. But there is a realization in his camp that something must be done to cope with what at least might be described as the surcharged Smith atmosphere.

It is surcharged with coin all right. I would like to have them help me pass a resolution to bring them in here and inquire into this whole matter. That is the way to find that

out. Instead of these Catholic papers and Smith's henchmen abusing me for my speeches here, let their friends stand on this floor and answer them, or answer them truthfully in the press. They do not do it. They dare not undertake it. They can not do it.

Listen to this:

Called pure propaganda.

This is what the Reed crowd is saying:

CALLED PURE PROPAGANDA

The deluge of claims being daily put out by Governor Smith's supporters is pure propaganda, the purpose of which is obvious.

They are trying to stampede the Houston delegates for their candidate. To achieve this, these overzealous men go even to the absurd length of putting Missouri in the Smith column. Everybody, of course, knows that Missouri's delegates were not only instructed by the State convention to vote for Senator REED until released by him, but also that the delegates are personally devoted to him.

Listen to this:

REPORTS AFFECT REED MORALE

It is the reports coming up from the South of crumbling anti-Smith sentiment, especially from around Asheville and Arkansas way, that is causing most alarm in the Reed camp.

They gave out a statement the other day that Senator SIMMONS and Senator OVERMAN had withdrawn their opposition to Smith in North Carolina, and I ask those Senators if such a report was true?

Mr. SIMMONS. Mr. President—

Mr. HEFLIN. I yield to the Senator.

Mr. SIMMONS. I answer the Senator that such a report was printed in a certain daily newspaper of North Carolina supposed to be friendly to Governor Smith, and on the day on which the report appeared in print I denounced it in proper terms.

Mr. HEFLIN. I thank the Senator. I wonder if my good friend the other Senator was also misrepresented by them.

Mr. OVERMAN. I have never seen the misrepresentation. There is no truth in it if there is such a representation.

Mr. HEFLIN. I am glad to hear the Senator say that, for such a misrepresentation was made. I knew it was not true, but it is in line with the tactics talked about in this column by the Reed supporters.

Listen how boldly this fellow talks, and I am going to reread it for the RECORD, and I shall have something more to say about it from time to time. Because for months it was understood that Senator ROBINSON would be the favorite-son candidate from that State. But just before the delegates were selected I understand he withdrew as such a candidate.

As to the situation in Arkansas, there is no disposition in any quarter now to challenge the first reports that the Arkansas delegation as a whole favors the New York governor and that it will vote for him the first opportunity it gets.

In view of the position of the Democrats of Arkansas on this question that statement is exceedingly strange. Mr. President, I have no brief to speak for the people of Arkansas. I know them to be a fine and great people. I have spoken in many places in that State. I have now a number of invitations to speak there, and I will do so when Congress adjourns. I assert that the Democrats of Arkansas would, if they had an opportunity to vote in a primary, register at least two-thirds, and maybe four-fifths, of their votes in opposition to Governor Smith for President of the United States, and I challenge anybody here to dispute that statement. It is accepted as the truth.

Mr. President, before I take my seat I want to reiterate what I said a little while ago, that I am not fighting anybody's religion. I am for religious freedom. I am an enthusiastic champion of religious freedom. What I am fighting for is the right to worship as I please, and the right of every Protestant organization to worship as it pleases, as well as Jews and Catholics.

I am informed on this subject. I have had more books and periodicals sent to me in the last 18 months, since I challenged the right of the Knights of Columbus to use our Army to restore the Pope to power in Mexico, than I had ever read in all my lifetime. I challenge anyone here to dispute this statement, that Pope Pius IX lays it down as a cardinal principle of the Catholic Church that the citizen has no right to worship God according to the dictates of his own conscience, that the State has no right to permit the citizen to have the religion of his choice. I lay down this charge, that he asserts that the Roman Catholic Church has the right to drive out all other religions and set up a Catholic state and declare the Catholic religion to the exclusion of all other religions.

Cardinal Gibbons, to whom the Senator from Maryland [Mr. BAUCO] referred, a very able cardinal, too, said in a speech in substance that—

Nowhere in recorded history can it be found that any Pope ever changed the doctrine or edict of another Pope. The doctrine of anyone of them is the doctrine of all of them.

That is true. The last book that they have sent out to instruct "the faithful" is one written by Doctor Ryan, professor of moral theology right here in the Catholic University of America, a book called "State and Church." He sets out in that book that when the Roman Catholics become strong enough in the United States, they will set up the Catholic state, and will proscribe other denominations, and he asks this question, "What chance will they have then against a Catholic state?" That is a thrust at the heart of religious freedom.

God deliver my country from such a day. It is against the hideous, dangerous, and deadly approach of such doctrines to the Capitol and the White House that I am fighting to the uttermost. I will continue to fight them. I want them to worship as they please, but they have no right to bring the devilish doctrine of the inquisition and of St. Bartholomew's Day into this fair land of liberty of this western world.

Americans, wake up before it is too late, and put none but Americans on guard!

CALL OF THE ROLL

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TYSON in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shipstead
Bayard	Frazier	Locher	Shortridge
Bingham	George	McLean	Simmons
Black	Gerry	McMaster	Smith
Blaine	Glass	McNary	Smoot
Blease	Gooding	Mayfield	Stetson
Borah	Gould	Metcalf	Stephens
Brookhart	Greene	Moses	Swanson
Broussard	Hale	Neely	Thomas
Bruce	Harris	Norbeck	Tydings
Capper	Harrison	Norris	Tyson
Caraway	Hawes	Nye	Vandenberg
Copeland	Hayden	Oddie	Wagner
Couzens	Hefflin	Overman	Walsh, Mont.
Curtis	Howell	Pittman	Warren
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed, Pa.	Watson
Dill	Kendrick	Sackett	Wheeler
Edge	Keyes	Schall	
Fess	King	Sheppard	

Mr. GERRY. I desire to announce that the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by reason of illness in his family.

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

LANDS IN OKLAHOMA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma, which was, on page 1, line 4, after the word "Statutes," to insert "(section 1171, title 43, U. S. C.)."

Mr. THOMAS. The amendment of the House simply places in the bill a reference to the amended code. It refers to the same section of the law and adds an additional reference to the amended code. I move that the Senate agree to the House amendment.

The motion was agreed to.

NAVAL APPROPRIATIONS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, the naval appropriation bill.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE, to insert, after line 17, page 53, the following proviso:

Provided, That after December 25, 1928, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The words "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of

coercion or force in the collection of any pecuniary claim or any claim or right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States against the government of a foreign nation, either upon the initiation of the Government of the United States, or upon the invitation of any foreign government existing de jure or de facto.

Mr. BORAH. Mr. President, the situation in Nicaragua is a distressing one and presents a problem of some difficulty, from whatever viewpoint we approach it. I was opposed to sending troops to Nicaragua in the first place, and I am most anxious to see them brought out of Nicaragua. But I do not feel that we can come out of Nicaragua in disregard of a situation which we ourselves have created and in disregard of obligations which we have assumed. It is from this viewpoint alone that I desire to discuss the pending amendment. One is tempted to digress into a general discussion of what should be our policy toward the Central American countries, but it would lead to a longer discussion than I think it justifiable to indulge in at this time.

Mr. President, as I have said, I was opposed to sending troops to Nicaragua in 1925 and 1926. I was also opposed to the recognition of Diaz as President of Nicaragua. I did not think that Diaz was legally elected President. I thought he was a part of the revolutionary movement to overthrow the legal government, and I am still of that opinion. I did not believe that the facts justified the sending of troops into Nicaragua. Nevertheless the power to recognize is in the President and he undoubtedly has the power to send troops for the purpose for which he said he sent these, to protect the life and property of American citizens. So Diaz was recognized and the troops were sent.

Mr. NORRIS. Mr. President, may I interrupt the Senator? The PRESIDING OFFICER (Mr. Tyson in the chair). Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. NORRIS. I would like to ask the Senator a question, and I am asking for information. I think the Senator's position as chairman of the great committee having to do with these matters places him in a position to know about it. As I understand it, the President said he sent troops in there to protect American lives and property. Was there any danger to American lives or American property at that time, or is there any now, or has there been any for several years past?

Mr. BORAH. I am of the opinion that the facts which were given the President and Secretary of State for the purpose of justifying intercession were not based upon realities. I do not believe that the true facts justified sending the marines; but, of course, the President acted upon the facts as presented to him.

Mr. LA FOLLETTE. Mr. President, will the Senator tell us where those facts came from?

Mr. BORAH. I have no desire to avoid interruptions. In fact, I rather invite them, because I think it the duty of the chairman of the Committee on Foreign Relations to answer any question which may be propounded. But I would like, in the first instance, to submit a line of presentation, after which I will answer any questions which may be propounded.

After the troops were sent into Nicaragua and after the recognition of Diaz, on the 13th day of January, 1927, I discussed the matter in the Senate at some length, and in my concluding remarks I said:

It has been said, and properly said, that we are "in." What should we do about it? I have already expressed myself in regard to the recognition of Sacasa. I would recognize him. I do not believe he is unfriendly to American interests. I have no doubt the people would support him, and we could come out. But if it be thought unwise to do that or if other personal reasons interpose which would make it difficult or embarrassing to do that, then it does seem to me that we are under the highest obligation to call upon Diaz and those who are there by virtue of our recognition to give the people of Nicaragua an opportunity by popular choice and a fair election to select their President. We ought to insure the people a fair election and recognize their choice; recognize the people's choice and withdraw our troops. It seems to me that it is not up to us as a Government to keep Mr. Diaz there until 1929, evidently in opposition to the wishes of the vast majority of the people and as against the two men whom they deliberately selected, but again to call for an election and to conduct it as we did practically in 1925, and give the people of Nicaragua an opportunity to pass upon the question of who shall be their ruler. Let us work if we are to help at all with the popular will. Let us cease thinking solely of our own interests and consult the wishes of the people of Nicaragua, in part at least.

Never in the world, Mr. President, can we have peace in Central America if we force upon the people of Nicaragua or the people of other Central American countries those who are not supported by the popular will. It would be well if rulers could understand that once the people of a nation are imbued with a national and independent

spirit, if they could only understand that once a people have been imbued with a spirit of freedom and of free power you can not shoot it out of them; you can not crush it out of them; it is there; it may be submerged to-day by force, but in years to come it will return and assert itself.

Again, in a concluding paragraph, speaking of the Senator from Connecticut [Mr. BINGHAM], I said:

I do not know how the Senator construed what I have said, but I say that what we should do is this: Our marines are there; if we will not recognize Sacasa, we should have an election; we should give the people an opportunity to vote their sentiments; we should, if we are going to stay there with the marines, keep them there in defense of the government which the people themselves want. But while we are now there, I would not stay indefinitely. I would do justice to the people, and then we can safely come out.

Since that time I have been interested in the question of the election and the manner in which it was to be held. On the 24th of September, 1927, I received a letter from a gentleman living in Nicaragua, a Nicaraguan citizen, and among other things in the letter he said:

Now, my dear Senator, regarding the coming election of 1928, which the United States is going to supervise, I beg to inform you the following: The majority of the Nicaraguan citizens are not registered as voters, a trick done by the previous Conservative administrations to insure their place in power; secondly, at the polls, two Conservative members are appointed with only one Liberal member. I believe that it is convenient that a general registration should take place before the election, and that the representatives at the polls must be three members: A Conservative, a Liberal, and a Spanish-speaking American, the American to be the judge of all disputes. By only so doing we could get a fair, free election.

After the receipt of that letter I addressed a letter to the Secretary of State, as follows:

OCTOBER 3, 1927.

The honorable the SECRETARY OF STATE.

MY DEAR MR. SECRETARY: I presume the matter has had your attention, or will have. But, by reason of information reaching me from Nicaragua, may I call your attention to the situation there with reference to registration.

I am advised that the majority of the Nicaraguan citizens are not registered as voters. That by reason of manipulation heretofore had at some previous time in the history of the country registration has not been had to any marked extent.

If it is possible to arrange for a full registration or for an opportunity for all to register who desire to do so, it seems to me that action ought to be taken.

I call this to your attention because it has been particularly called to mine.

I am, my dear Mr. Secretary, very respectfully,

WM. E. BORAH.

On October 4, 1927, I received the following letter from the Secretary of State:

I have your letter of October 3 concerning the subject of registration for the coming election in Nicaragua. As I understand the situation, the chief obligation which we have assumed in connection with the supervision of this election is to see that every citizen of Nicaragua entitled to vote has a full opportunity to do so. Supervision means not merely the preservation of order at the time of the election, but a sufficient control over the preliminary steps, including registration, to see that everybody entitled to vote has an opportunity to register. In other words, the registration is vital. We can not, of course, contemplate the holding of an election in Nicaragua on the basis of previous registration lists. So far as the department and General McCoy are concerned this matter seems vital to us as it does to you. Naturally nobody can guarantee ideal results in any country, but you may depend upon it that every effort will be made on our part to eliminate fraud and intimidation, and to guarantee to every citizen of Nicaragua his rights in this matter.

Mr. CARAWAY. Mr. President, May I ask the Senator a question before he proceeds further?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. CARAWAY. We sent our troops down here originally for what purpose?

Mr. BORAH. As stated by the President, to protect the life and property of American citizens.

Mr. CARAWAY. When was it that we decided, then, that we would hold an election?

Mr. BORAH. I am coming to that in a few moments.

Mr. CARAWAY. May I ask the Senator another question? When did we change the object of having the marines there?

Mr. BORAH. I am going to cover that point. The contention of the Government is that they have never changed their object. The contention of the Government is that the holding of an election is one of the steps by which they restore order and thereby insure safety and security to American life and property.

Mr. CARAWAY. Is it the purpose, then, to keep the marines there until the people accept, as fair and valid and binding, an election which we hold? Suppose some people refuse to accept that election, do we propose to make them do so with bayonets?

Mr. BORAH. I do not believe that that is a matter as to which I can interpret the mind of the Government, but, so far as I am concerned, I would not be in favor of such a course.

Mr. CARAWAY. The Senator, then, after the election is held, is in favor of removing the marines, whether the people of Nicaragua are satisfied with the election or not?

Mr. BORAH. I feel, although, as I have said, I am going to cover that in a few moments, I feel we will be able to come out and should do so.

Mr. CARAWAY. I understand, but I merely wanted to get the Senator's position.

Mr. BORAH. If I am permitted, I will cover that in a few minutes and cover it fully.

Mr. CARAWAY. I want to ask the Senator another question. What part of the election is chasing the alleged bandit down there? Has that anything to do with the election? I refer to the bandit who has been killed four or five times and who refuses to be so obliging as to stay dead after we have killed him.

Mr. BORAH. Yes; that is a part of holding the election—that is maintaining order, without which there can be no fair election.

Mr. CARAWAY. So that shooting people is a part of the election?

Mr. BORAH. That is so in this country sometimes.

Mr. CARAWAY. It is true in Chicago; but I thought that that system had been repudiated even in Chicago.

Mr. BORAH. Chicago is not the only place.

Mr. CARAWAY. Does the Senator approve shooting people in order to hold an election?

Mr. BORAH. I am not in favor of that, if it can be avoided—nevertheless I would carry out our agreement and hold the election.

Mr. CARAWAY. Would the Senator be in favor of sending marines to any community in America to prevent shooting at the polls or to encourage it—either one?

Mr. BORAH. If the Senator wishes to go into that, let me say that if a Representative or a Senator or presidential electors were being elected, and it was impossible to have order and protect the polls without doing so, if riot and disorder were such as to prevent an election, I would be in favor of sending troops, if it were necessary to preserve order.

Mr. CARAWAY. That is what I am trying to get at. Then, the Senator's view is that, whenever the administration makes up its mind that an election is not going to be fair, he is in favor of sending armed forces there to make it so?

Mr. BORAH. No; I do not say that. What I say is that if a Federal election were being held, and it was evident that order could not be maintained without the assistance of the Federal Government, and Federal officers were being elected, I would undertake to protect that situation and preserve order. The Federal Government has the right of self-preservation.

Mr. CARAWAY. If there was as much disorder in some place in this country as apparently is occurring in Nicaragua, would the Senator be in favor of sending armed forces to hold the election?

Mr. BORAH. I think they are two entirely different propositions. In this country we have our States to depend upon to maintain order; they are depended upon; and I should always depend upon them so long as they could do so; I would rely upon them. But if States break down I would certainly maintain order for the election of Federal officials.

Mr. CARAWAY. Would not the Senator be willing to rely upon the government of a foreign country as much as he would on a State of the Union? I am expressing no hostility to the Senator's view. I am merely trying to find out from some one who knows just what we are trying to do in Nicaragua.

Mr. BORAH. I am going to cover the ground entirely as I see it.

Mr. CARAWAY. I am just afraid I might not follow the Senator's speech, and I know I would understand the Senator if he should answer the question.

Mr. BORAH. I do not desire to impose upon the Senator by asking him to remain in the Chamber while I am speaking.

Mr. CARAWAY. Oh, I shall do that, but sometimes a speech fails to hit the point I have in mind.

Mr. BORAH. It sometimes fails to hit the other Senator's point.

Mr. CARAWAY. Yes; and evidently the question also missed; so I will wait for the speech.

Mr. BORAH. No; the Senator's question has not missed. I assure the Senator that in good faith I am going to cover this entire question. I have no desire to avoid any part of the facts or the discussion as I see the situation. I should like, as I have said, to go ahead and present—

Mr. CARAWAY. I do not want to divert the Senator; I am perfectly willing that he should proceed.

Mr. BORAH. I am quite sure of that.

Mr. President, since this correspondence with the Secretary of State I have had letters and communications from Nicaragua which convince me that every effort is being made to have a fair election and to have a registration which shall insure the right to vote to every Nicaraguan who is qualified to vote.

Mr. FLETCHER. Mr. President, at that point may I ask the Senator what are the qualifications for voters in Nicaragua? Is there any property qualification, or age limit, or is there female suffrage?

Mr. BORAH. They have not female suffrage, as I remember, and I do not think they have any property qualifications. We do not seek to define the qualifications; they are defined by the constitution and laws of Nicaragua.

Mr. CARAWAY. If I may ask the Senator a question, Who is going to determine the question of whether or not the electors in Nicaragua are qualified?

Mr. BORAH. That is to be determined under the constitution and laws of Nicaragua. We do not undertake to determine that question ourselves at all. We simply carry out the constitution and laws as to qualification.

Mr. CARAWAY. So that if one party or the other shall deny the right to vote on the ground of qualifications or on the ground that a person lacks the qualifications to vote, we are going to accept that?

Mr. BORAH. We are going to have a representative on the board, and that representative will undoubtedly have to be satisfied that under the laws and constitution of Nicaragua the individual is entitled to vote.

Mr. CARAWAY. If he differs with the Nicaraguans, then what steps are we going to take?

Mr. BORAH. My understanding is that under the present law as it is promulgated the ultimate decision is with the American representative.

Mr. CARAWAY. So that we would then be the final registration board in Nicaragua?

Mr. BORAH. That is practically true. The Senator will understand that we have at various times undertaken to carry on elections in Nicaragua and in Haiti and in Santo Domingo and Panama and in other places; and unless the power is sufficient to enable this Government to determine under the laws of the country involved who are entitled to vote, of course, there is no justification for us having anything to do with the election.

Mr. CARAWAY. I want to ask the Senator another question. I do not want the Senator to think I am even differing with him, but I feel strongly about it. Under what constitutional power do we undertake to hold an election in any country outside of continental United States?

Mr. BORAH. I have that question on my list to discuss, and I am going to try to cover that as well as other questions.

I was going to say, Mr. President, that after this correspondence I became convinced that every step possible was being taken to insure a fair registration and a fair election. I think anyone who will take the time to look into the acts and conduct of General McCoy will conclude that General McCoy is determined that there shall be a fair election; that he is entirely impartial as between the Conservatives and the Liberals; and, as I shall undertake to show in a few moments, the very fact that General McCoy is determined that there shall be a fair election is one of the reasons why certain parties in Nicaragua have concluded they do not want an election. It is our good faith and honesty of purpose that is disturbing certain parties.

Mr. President, let us go back—

Mr. SWANSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield.

Mr. SWANSON. I should like to explain to the Senate at this time that General McCoy was selected by the government which we recognized in Nicaragua, on the recommendation of the President, to have supervision of the election. He is not to perform that office, as I understand, as a marine officer, but

General McCoy has been selected to have supervision of the election, and the marines are simply to keep the peace. General McCoy, under the authority of the Nicaraguan Government, will have control of the election. I think that is true; at any rate, that is my understanding.

Mr. BORAH. That is my understanding also.

Mr. CARAWAY. If I ask the Senator a question, do I understand, then, that we have turned over to the authorities in Nicaragua the right to command our forces there?

Mr. SWANSON. Oh, no.

Mr. CARAWAY. That is what I understood the Senator to say.

Mr. SWANSON. As I understand, our forces are commanded by the marine officers, and they are to keep order and keep the peace.

Mr. CARAWAY. Who commands General McCoy? I think the Senator said that he was turned over to the Nicaraguan Government.

Mr. SWANSON. General McCoy, as I understand, has charge of the election and was appointed to supervise the election by the Nicaraguan Government on the recommendation of the President. The Nicaraguan Government pays the expenses of the election.

Mr. CARAWAY. That is what I am coming to. Do we let somebody else appoint one of our marine officers to office in some foreign country? Does the Senator from Idaho so understand?

Mr. BORAH. Mr. President, General McCoy has been appointed by the President of Nicaragua as one of the supervisors of the election.

Mr. CARAWAY. If he has been thus appointed, to whom does he look for his orders—the people who appointed him to the office or to the United States?

Mr. BORAH. Undoubtedly, he would look in the first instance to the appointing power.

Mr. CARAWAY. Then, we have turned over a marine officer to be appointed by a foreign government, and he owes his position to that government.

Mr. SWANSON. Mr. President, if the Senator from Idaho will permit me, we have done that repeatedly.

Mr. CARAWAY. That is what I am asking about. I did not know that that had ever been done before.

Mr. SWANSON. We have sent officers to other governments at their request to aid them in the management and building up of their naval forces, to aid them in connection with their military affairs, to aid them in diplomatic affairs, to aid them in their customs affairs. That has been done heretofore in the interest of peace and a conciliatory spirit as between governments; but we have done it repeatedly. We sent on request officers of the United States to administer the customs affairs of Persia, as I recall, and of Haiti.

Mr. GEORGE. Mr. President, let me ask the Senator if we have ever sent our officers into foreign countries when there was really a state of war or revolution in the country to which we sent such officers?

Mr. SWANSON. I think some of our officers are in Haiti now.

Mr. BORAH. What was the question of the Senator from Georgia?

Mr. GEORGE. I asked if we had sent our officers to any other country when a state of revolution was in existence.

Mr. BORAH. Oh, yes. I think I shall be able to cite instances.

Mr. GEORGE. I should like to have the Senator cite such an instance.

Mr. BORAH. President Wilson did that in the case of Haiti and Santo Domingo.

Mr. GEORGE. To train the army there?

Mr. BORAH. Yes; to train the army; at least to cooperate with local forces.

Mr. CARAWAY. And to organize forces?

Mr. GEORGE. And to organize forces?

Mr. BORAH. Yes; and to write a constitution for the people and to supervise elections.

Mr. BINGHAM. And to supervise elections; and if the election in the country failed to satisfy the Democratic administration, then to hold another election.

Mr. CARAWAY. Does the Senator from Connecticut approve of that course?

Mr. GEORGE. Mr. President, I should like to ask if the Senator from Idaho approves of that course.

Mr. BORAH. I was opposed to going into Haiti. I spoke against it both here and before the public. I was opposed to

going into Santo Domingo, but, after we had gone in, I would use the ballot box any time in preference to a Gatling gun.

Mr. CARAWAY. We seem to be using both in the case of Nicaragua.

Mr. GEORGE. I have no objection to using the ballot box, but I do not want to superimpose a Gatling gun on the ballot box.

Mr. BORAH. I do not want to do so either, but I would carry out the agreement and hold the election according to agreement.

Mr. GEORGE. However, that is not the point in regard to which I wish to ask. I am asking for information whether or not our Government has sent its naval or military officers to any foreign country when that country was in an actual state of revolution for the purpose of assisting or training or organizing the troops of that country.

Mr. BORAH. My opinion is that we have. I will recur to instances later.

Mr. GEORGE. I so understood the Senator from Virginia, and I wished to know if that is true.

Mr. BORAH. I understand that that is exactly what took place in Haiti and Santo Domingo. I do not think there is any difference in principle between what we did in Haiti and Santo Domingo and what we are doing now in Nicaragua, although the details may differ.

Mr. SWANSON. Mr. President, if the Senator from Idaho will permit me, if Senators will read the correspondence between Mr. Bryan as Secretary of State and the Government of Santo Domingo they will find that there was a protest against our supervising the election. Mr. Bryan then accommodated the situation by saying that we would only send observers—he used the word “observers”—to report to the Government as to whether the election was fair or not and whether the government so elected should be recognized. Mr. Bryan, however, refused to send agents. I want simply to state the facts in connection with this matter. As I understand, General McCoy was sent there—I do not know whether he belongs to the Marine Corps or the Army; I do not remember. He was selected by President Coolidge, I do not know whether at the suggestion or at the request of the Nicaraguan Government, but he has charge of the election in Nicaragua. As I understand, the Nicaraguan Government will pay all the expenses incident to the election; and what troops we may keep there are kept for the purpose of maintaining order.

Mr. CARAWAY. Will the Senator from Idaho let me ask the Senator from Virginia a question? If Nicaragua shall not pay the expenses, how are we going to get our money for holding the election for them in Nicaragua?

Mr. SWANSON. As I understand, Nicaragua does not pay anything for the Marine Corps to keep order; but Nicaragua pays the expenses of the election. Nicaragua pays the salary of General McCoy, as I understand, and pays those appointed by him; at least that is what I was told, and I think that was testified before the committee.

Mr. CARAWAY. If they shall not pay that expense, what are we going to do about it?

Mr. SWANSON. Then they will not get their pay unless Congress appropriates it.

Mr. CARAWAY. If they do not get their money, we are going to let them lose it.

Mr. BORAH. Mr. President, I should really like to proceed, and I give the assurance to Senators that before I sit down I will yield myself to any questions which may be asked. I should like, in the first place, to get out of the way some of the facts and some of the history in connection with this matter which I think form the background necessary to a correct understanding of the present situation.

We went into Nicaragua first in 1910 and 1911. At that time Zelaya was President of Nicaragua. He was known as the representative of the Liberal forces of Nicaragua. The result of our intervention in Nicaragua was the downfall of Zelaya. At that time Emiliano Chamorro and Diaz came upon the scene. Ultimately, without going into detail, Diaz was made president. Chamorro was the driving power in public affairs. From 1911 until 1925 through three different administrations the marines were encamped on the white-house grounds at Managua.

The Government of Nicaragua would not have lasted overnight without the presence of the marines in Nicaragua. During that time, for the 15 years intervening, the Liberals contended that they represented from 75 to 80 per cent of the people of that country, and that if they could have a fair election—an election in which the registrations could be had and the vote had in accordance with the rights of the people—

they would undoubtedly elect their candidates for President and Vice President; but during the entire period from 1911 to 1924 the elections were controlled by those who were in power. The Chamorro family and the Diaz followers passed the Presidency and the Vice Presidency about to each other; and during that time the people, or 80 per cent of them, were practically disfranchised.

In 1920 the Liberals sought the aid of the United States Government in holding an election. They did not receive it.

In 1924 a request was again made that the United States aid in giving the people of Nicaragua a fair election. To some extent the aid was granted. Americans supervised the election. Americans had written the election laws; and afterward to a certain extent, though unofficially, they supervised the election. The result of that election was that Solarzano was elected President and Sacasa was elected Vice President.

Within a few weeks after the election, Chamorro and Diaz began their movement for the overthrow of the legally constituted Government of Nicaragua. Within a few months they were in control of the Government; Solarzano, the President, was driven out; Sacasa was driven out; three members of the supreme bench were forced to leave the country; and a number of the members of the legislative body were compelled to go into exile.

This was the history of Nicaragua at the time I called for an election in 1927, at the time I spoke upon the subject here in the Senate. I did not make that declaration without full knowledge of the history of Nicaragua, and without regard to what I thought would be the future of Nicaragua without an election. For 15 years the marines had kept in power those who represented not the people of Nicaragua so much as foreign capitalists who were investing in Nicaragua; and it was my opinion that if we did not give the people an opportunity to express their views and record their views, we would again sit down in the white-house grounds at Managua and maintain in power those who were opposed by the people of Nicaragua. It was for that reason—the troops being there, and Diaz being recognized, and the program apparently provided for—that it seemed to me that the only way in which we could in any sense compensate the people of Nicaragua for the injustice that had been done them was to give them an opportunity to elect their own officers and have their own government. Secondly, it was further my view—and is still my view—that there was no possible way by which we could get out of Nicaragua, under the policy which obtained, other than to give the people of Nicaragua a chance to elect their officials, and give the officials the backing of the public opinion of the country and give them our recognition and thereby our moral support, and thus establish something in the nature of a stable government in Nicaragua. It seemed to me the only possible way to do justice to the great body of the people, and the only probable hope of establishing a stable government. I therefore, under the circumstances, favored an election, and I favor it now.

In March, 1927, after our troops had been there for some months, the President sent his personal representative, Mr. Stimson, to Nicaragua for the purpose of adjusting the controversy, if possible, and restoring law and order. Mr. Stimson met first, of course, with the representatives of the government of Mr. Diaz, and obtained from Diaz an understanding as to a program involving the granting of amnesty to those who had been placed under condemnation by the Conservative government, the restoring of the officers who had been driven out, and providing in the future for Liberals to be represented in the Conservative government. After meeting with the President of Nicaragua he next met with a committee appointed by Sacasa. I should like the Senate to bear in mind that the first contact with the Liberal forces was through a committee of three representing the Liberal forces, one of them being the secretary of Sacasa, another a member of his cabinet, and the other a prominent Liberal leader.

After meeting with this committee the committee indicated their desire to have the views of General Moncada, who was in charge of the military forces, and finally a meeting was had between Mr. Stimson and Moncada. I desire at this time, Mr. President, to read some of the communications which passed between the representative of this Government and the representatives of the Liberal forces and the representatives of the Conservative forces.

On May 4, 1927, Mr. Stimson addressed the following communication to General Moncada:

DEAR GENERAL MONCADA: Confirming our conversation of this morning, I have the honor to inform you that I am authorized to say that the President of the United States intends to accept the request of the Nicaraguan Government to supervise the election of 1928; that the

retention of President Diaz during the remainder of his term is regarded as essential to that plan and will be insisted upon—

The only matter in controversy between Stimson and the representatives of the Liberals was the question of maintaining Diaz in power until the election in 1928. The Liberals were anxious—indeed, had been requesting our Government—to supervise the election. As far back as October, 1926, General Moncada had made a statement to the effect that in his opinion quiet and order could not be established in Nicaragua without the supervision of an election upon the part of the United States. The only question about which they could not arrive at an agreement in the first instance, and the only matter which in my judgment our Government imposed upon them, was that of maintaining Diaz in power until after the election of 1928.

As to the holding of the election, the Liberals were not only willing to have the election supervised by the United States but it had been one of the things which they had been asking the United States to do since 1910 and 1911.

that a general disarmament of the country is also regarded as necessary for the proper and successful conduct of such election; and that the forces of the United States will be authorized to accept the custody of the arms of those willing to lay them down, including the Government, and to disarm forcibly those who will not do so.

Very respectfully,

HENRY L. STIMSON.

On May 11 General Moncada replied as follows:

MY DEAR GENERAL STIMSON: It has been my expressed opinion since 1912 that free and fair elections were the one thing most needed in Nicaragua to free it from revolution and to permit its peaceful development. I have further expressed my opinion that free and fair elections could not be obtained except upon the supervision and with the aid of the United States. I so expressed myself to Admiral Latimer on the U. S. S. *Rochester* in October, 1926.

To which Admiral Latimer testified before the committee.

It is because of this often-expressed belief, and the confidence that I now feel that we will get such fair election in 1928, that I shall be able to persuade my army to disarm.

Very respectfully,

J. M. MONCADA.

This letter was written after consultation between General Moncada and the representatives of Sacasa, the vice president under the former election.

Moncada was of the opinion that he would have some difficulty in satisfying the generals under his command; and later Mr. Stimson wrote him the following letter, dated May 11, 1927:

DEAR GENERAL MONCADA: I am glad to learn of the authority that has been placed in you by your army to arrange for a general disarmament. I am also glad to make clear to you and to your army the attitude of the President of the United States as to this matter. In seeking to terminate this war, President Coolidge is actuated only by a desire to benefit the people of Nicaragua and to secure for them a free, fair, and impartial election. He believes that only by such free and fair elections can permanent peace be secured for Nicaragua. To insure this in 1928 he has consented to the request that American representatives selected by him shall supervise the election.

Permit me to interpose here a statement that after Stimson went to Nicaragua our Government telegraphed him asking him if it was not possible to secure an adjustment of the difficulty or controversy in Nicaragua without our taking upon ourselves the obligation of supervising the election.

There had come to the United States a report to the effect that the Conservative forces were gradually winning their military victories; and, based upon that news, our Government was of the opinion that we might be able to restore order, or that order might be restored, without our taking upon ourselves the task of supervising the election. But after consultation with both sides, and especially with the Liberals, it was clearly demonstrated that the Liberals would not lay down their arms, would not cease the conflict, unless we assumed the obligation of supervising the election; and it is my view that the supervision of this election was made absolutely obligatory upon the United States if peace was to be restored through the demands of the Liberal leaders. Indeed, Mr. President, it was the only possible way, except through bloodshed, that the Liberals could secure control of the government; and they represented, it was claimed, from 75 to 80 per cent of the people.

He has also consented to assign American officers to train and command a nonpartisan national constabulary for Nicaragua which will have the duty of securing such a fair election and of preventing any fraud or intimidation of voters. He is willing also to leave in

Nicaragua until after the election a sufficient force of marines to support the work of the constabulary and insure peace and freedom at the election.

Mr. CARAWAY. Mr. President, there is where I wanted to ask the Senator a question. Does the Senator understand from this statement that "after the election" means that as soon as the election is held the marines must come out of Nicaragua?

Mr. BORAH. I would not say as soon as the election is held. The officers who will be elected do not take office until the 1st day of January, 1929; but this is the purpose of the Government as it has been stated to me, and as it has been stated by the representatives of the Government upon public occasions: The intention of the Government is, as soon as the election is held, and the people who go into office as the result of the election are recognized, that we are to bring the troops out of Nicaragua.

Mr. CARAWAY. That does not say that. It says that "as soon as the election is held" we will take our marines out.

Mr. BORAH. That is the exact language here; but I am stating what I understand to be the interpretation of that language by our Government.

I think, Mr. President, I am not overstating the fact when I say that the Government is exceedingly anxious to get out of Nicaragua.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. Does the Senator think they are more anxious to get out than they were to get in?

Mr. BORAH. Yes; I think they are more anxious to get out than they were to get in.

Mr. SHIPSTEAD. Then they must be very anxious to get out.

Mr. BORAH. I am satisfied that whatever be the fact with reference to the going in, they are anxious to get out.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BORAH. I yield.

Mr. CARAWAY. If the officers who will be elected in this fair election shall fail to protect certain interests for which we sent the marines there, then are we to send the marines back and repudiate the people we put in office?

Mr. BORAH. I could not foretell what will be done; but I sincerely hope we will not go back. I read further:

As further evidence of the good faith of the American Government and of the present Nicaraguan Government in this matter, I am glad to tell you what has already been done. It will answer the questions contained in the letter of your soldiers which you have shown me. General amnesty has already been granted by the President of Nicaragua. I have recommended to President Diaz that the supreme court be reconstituted by the elimination of the illegal judges placed in that court under Señor Chamorro. President Diaz has already called upon those judges for their resignations, and I believe that those resignations will be obtained. I have already advised that the congress be reconstituted by the holding of special elections in those Liberal districts where elections were not held in 1926 under conditions which will insure that the Liberal voters will be amply protected in their rights. I have also recommended that members of congress illegally expelled by Señor Chamorro whose terms have not yet expired be reinstated. I have been assured that this will be done. I have recommended that the Liberal jefes políticos be appointed in the six Liberal districts of Bluefields, Jinotega, Nueva, Segovia, Esteli, Chinandega, and Leon. I have been assured that this will be done.

In short, I have recommended that steps be taken, so far as possible, to restore the political condition as it existed in Nicaragua before the Chamorro coup d'état, and I believe that so far as possible it will be done.

Mr. CARAWAY. Mr. President, may I ask the Senator another question?

Mr. BORAH. If the Senator will wait until I finish with this.

I hope that these steps will assure you and your army of the fairness of the United States Government and its desire to see peace, justice, and freedom reestablished in Nicaragua without any unfairness or favoritism toward any party, but being regardful of the rights of Liberals and Conservatives alike.

Very respectfully yours,

HENRY L. STIMSON.

Mr. CARAWAY. Was there any demand for local contributions toward paying the expenses of the marines in Nicaragua?

Mr. BORAH. I do not think so.

Mr. CARAWAY. We were having a demand for local contributions for flood control, and I thought maybe there might

be a demand for local contributions for maintaining peace and order in Nicaragua.

Mr. BORAH. Mr. President, after this letter was delivered to General Moncada, an agreement was reached upon the part of Moncada with his generals that they would surrender their arms upon the promise of the United States to carry out its pledges with reference to the election.

The thing which controls my view of this matter is the fact, whether we had the authority or not, that we went into Nicaragua; that after having been there for a time, we entered into an agreement, and that agreement has been fulfilled upon the part of those with whom we made the agreement. They have discharged the promise which they entered into with the Government of the United States, to wit, to lay down their arms, to surrender their military protection, and to rely entirely upon the United States for their future rights, political and military.

I am going to discuss a little later the question of our authority to make that agreement, but if we had no authority, if we shall find when we come to examine and analyze the powers of the President that the action was without authority, we are estopped at this time, as a Government and as a people, from saying that we did not have the authority, because others have acted on our assurance to their disadvantage, and at the present time if we should refuse to carry out our agreement, we would leave the Liberals in Nicaragua absolutely subject to the dictation and the power of those who had driven them out prior to the time that Diaz became President. I feel that the condition which we superinduced compels us to fulfill our agreement.

Mr. NORRIS. Mr. President, may I ask the Senator a question at that point?

Mr. BORAH. Yes.

Mr. NORRIS. I understand from this correspondence that it was the intention—and I suppose it was carried out—to disarm both sides. If that be true, then I do not see why the Liberals would be under any disadvantage as compared with the Conservatives, if the Conservatives were also disarmed.

Mr. BORAH. I think in a measure, and I think in good faith, both sides were disarmed; but this fact must be borne in mind, that the Conservatives are in power, they are in control of the government, they are in control of the machinery of election, and they have such power, from the very fact that they are in control of the government, as to deprive the Liberals of any probability of protecting themselves in the election.

Mr. EDGE. They have a national guard there.

Mr. BORAH. Yes.

Mr. NORRIS. But they are disarmed.

Mr. BORAH. The Conservatives, I suppose, as far as they can be disarmed have been disarmed; but they are still in the possession of the government.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. WHEELER. Assuming we remain in there and supervise the elections, after the elections are over, if the Liberals should be elected, and we should pull out, what is going to happen if Chamorro and Diaz and the same group start another revolution down there?

Mr. BORAH. I do not know what will happen, but having given some attention to the Nicaraguan situation now for 16 or 17 years, I have this belief, that if the Liberals elect their President and their Vice President and if they constitute, as I believe they do, 75 or 80 per cent of the people of that country, and will be supported, therefore, by public opinion, and we give them our moral support by recognizing that government, we will have gone the farthest step we could take in restoring stability to the Government of Nicaragua. It may not stand; I do not know. No one can know. But I do know this, that under every rule of democracy and justice the Liberals are entitled to govern Nicaragua if they have the vote; that this election, if fair, will turn the Government of Nicaragua over to those to whom it belongs, that it will take it out of the possession of those who, in my opinion, represent more foreign than domestic interests. Beyond that I do not know. I do not seek to penetrate the veil. I am committed to the proposition of a fair election, hoping, but not knowing, of course, that it will tend to stability and that we may come out.

Mr. WHEELER. Mr. President, will we not be considered morally bound to send marines down there and to keep them in power after they are elected?

Mr. BORAH. Mr. President, let me say this to the Senator: To judge the future by the past, if after they are elected their government falls, if Chamorro and Diaz overthrow it again and our people are placed in danger and property is threatened, we will undoubtedly go back.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a question?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. Does not the Senator think that the Liberals would be in power now if we had not gone in at all?

Mr. BORAH. I do not know. General Moncada has said that he felt he could have won a military victory, but he said that it was not within his power, or, in his opinion, within the power of any Nicaraguan, under the circumstances, to restore order in Nicaragua. He is a better judge than I am.

Mr. LA FOLLETTE. Mr. President, will the Senator yield for one question?

Mr. BORAH. Yes.

Mr. LA FOLLETTE. If I understood the Senator correctly, he said that he believed that the conservative forces were disarmed as much as they could be disarmed and still retain control of the Government. How large is the constabulary which has been set upon under our supervision?

Mr. BORAH. I have the figures here in the hearings, and I would have to recur to the hearings in order to state it accurately. It is not sufficiently large at the present time to maintain order in Nicaragua.

Mr. LA FOLLETTE. Is that constabulary under the control of the Diaz Government, or is it under the control of our officers?

Mr. BORAH. The constabulary at the present time, as I understand, is under the control of our officers. It is supposed to be neutral, neither Conservative nor Liberal, but, of course, the Senator will realize that the moment we step out in all probability it will go under the complete control of the present Government of Nicaragua. I hope those who are studying the Nicaraguan situation will never lose sight of Emiliano Chamorro. I would expect to see him in control if we should come out with the Liberals disarmed and powerless.

After these letters had passed and the communications were had, General Moncada made this statement:

The Liberals can not believe that the United States Government, through the personal representative of President Coolidge, will give a promise which it will not fulfill.

Once again the Liberals place their confidence in the United States. The leaders of the army will try to convince their men that this promise of fair elections will be fulfilled. The central point which the army wishes to be assured of is that the United States will do its best to give Nicaragua a fair election in 1928.

To that agreement all generals under General Moncada consented.

It has been said that Sandino did not consent. I think the facts show that Sandino did consent. Afterwards he refused to abide by his agreement, a matter which I need not discuss; but undoubtedly at the time that this obligation was assumed, and at the time that the program was agreed upon, it was understood that Chamorro, now one of the objectors, and Sandino were consenting to the program. It was made, in my opinion, in the utmost good faith upon the part of the Liberal leaders. It was something they had been seeking for 15 years. It was all they desired in order to enable them to take possession of the Government. They agreed to it. They laid down their arms. They are now, in my opinion, at the absolute mercy of the Conservative forces in case we refuse to give them the protection we agreed to give them.

I have a copy of a letter here from Sandino. I have seen the original, and I presume that there is no question about the authenticity of the letter. It will be remembered that the first interview took place at Tipitapa between General Moncada and Mr. Stimson on the 4th of May, and that on the 11th of May the final agreement was reached. Our officers have stated and General Moncada has stated that Sandino agreed to the settlement. This letter is dated May 9, 1927, is addressed to General Moncada and reads:

EL CACAO DE LOS CHAVARIAS, May 9, 1927.

Gen. JOSÉ M. MONCADA,

Bouaco (?).

ESTEEMED GENERAL: I take pleasure in informing you that, having arrived at this place, I have found myself in a difficult position, due to the fact that all of my followers have not joined me, since I have found but a few chiefs, the rest of my troops having gone to Jinotega, the place from whence they came. For this reason I feel that my remaining at this place will avail me nothing, all of my followers having disbanded.

I have decided to go to Jinotega again to assemble my men in order to collect all the arms. In this case I shall remain there awaiting your orders.

I likewise delegate my rights in order that you may arrange the matter as may suit you best, informing me of the results at Jinotega, which I shall occupy with my troops.

The disbanding of my men is due to their not finding anything to eat, and for this reason they have left. However, I assure you that as soon as I arrive they must all come where I am, and then I shall collect all the arms.

(Signed)

A. C. SANDINO.

After this agreement was had an attempt was made to agree upon an election law, which was to be passed by the Congress of Nicaragua and which would give Americans sufficient power to insure a fair election. The law was agreed upon by representatives of the Conservative government and by representatives of the Liberal forces. It passed the Senate and went to the Assembly. At the time it reached the Assembly opposition to it was disclosed, particularly upon the part of Chamorro and his followers.

I digress to read a statement from the last copy of the New York Nation as to why Chamorro came to the conclusion that the law was unconstitutional. Bear in mind, in the first place, that Chamorro did not attach his signature to any paper—there was no occasion for his doing so; he was not an official—yet he was in agreement with the settlement evidently because he felt that the election would be carried on in sympathy with the maintaining of the Conservatives in power, something which had been done for the last 15 years.

Mr. BINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BINGHAM. Does not the Senator think that possibly his willingness to agree was his hope that he might be a candidate and was later checkmated by our State Department's desire?

Mr. BORAH. I do not know what that had to do with it. I do know, from the most authentic sources, that he came to the conclusion that General McCoy was going to hold a fair election. He made up his mind that General McCoy intended that every man in Nicaragua entitled to vote should have an opportunity to vote, and that being true, that the Liberals would undoubtedly go into power.

In this article Mr. Beale said:

General Chamorro told me, "I am ardently pro-American."

I think there can be no doubt about that. He is ardently pro-American. He was the gentleman who signed the treaty which transferred the canal to the United States for \$3,000,000, when in all probability it was worth many times that. I have no doubt, when, all things considered, ten times that—

I am ardently pro-American. Nor am I opposed to American intervention in Nicaragua at the present time. I am merely opposed to the form of that intervention lest the supervision proposed seriously violates our constitutional régime.

This is the language of the gentleman who in October, 1926, took possession of Managua and started a revolution against the duly elected and constituted President and Vice President of Nicaragua. This is the gentleman, so solicitous for the constitution of Nicaragua, who drove three members of the Supreme Court from their places as judges and drove Sacasa from the country and caused a large portion of the assembly to flee for their lives.

Mr. Beale said further:

This, of course, is quibble. Intervention constitutes, ipso facto, such violation. Chamorro desires to conserve the advantage to his party derived from its control of the Government and hence the election machinery, which McCoy would take out of its hands. The Conservatives were, at first, eager for American intervention and went into the Stimson agreement, thinking that it was a move to disarm and defeat the Liberals; that the United States was actually interested in keeping the Conservative Party in power. But now that it has become apparent that the Stimson agreement actually involves protection for the Liberal Party, the Conservatives are placing every obstacle in the way of the smooth working of the intervention they themselves invited. Chamorro's maneuvering also involves his desire to be a candidate for the Presidency at the forthcoming elections.

That seems to be true. The only opposition in Nicaragua to the carrying out of this agreement is the opposition of Chamorro and the opposition of Sandino.

Mr. President, what will be the effect if we take our troops out at this time? A leader of the Liberals was in my office some three weeks ago on his way to Nicaragua. I was deeply impressed with the sincerity and the fear of the man lest the Liberals be subjected in the future to the dictation of Conservatives by reason of our withdrawing our troops. He stated that if the troops were withdrawn neither he nor his friends nor those associated with them as leaders could stay in Nicaragua, that the feeling was so intense they would be deprived of

their residence for the purpose of enabling the Conservatives to effectuate a complete control of the election.

Mr. WATSON. Mr. President, will the Senator permit a question?

Mr. BORAH. I yield.

Mr. WATSON. What is the real fundamental issue between the Liberals and the Conservative Parties in Nicaragua?

Mr. JOHNSON. The offices.

Mr. BORAH. No; I do not think it is a question of offices.

Mr. WATSON. I did not ask the question in a controversial spirit at all.

Mr. BORAH. I understand. I may be mistaken, but I think the great controversy between Liberals and Conservatives is that the Liberals represent Nicaragua. They represent the people of Nicaragua. They believe in building up their country and maintaining it in the best way possible by the people of Nicaragua.

Mr. BINGHAM. Is it not true that it is largely a geographical matter?

Mr. BORAH. Yes; that enters into it undoubtedly, but the geography does not take away the fundamental principle which Senators will have no difficulty in discovering if they would study the history of Nicaragua from the time Mr. Diaz went into power in 1910 and 1911.

Mr. WHEELER. Can the Senator tell us who he thinks the Conservatives represent?

Mr. BORAH. Yes. I think the Conservatives represent that class of people who believe that Nicaragua can not get along without the aid of foreign capital, and they are perfectly willing to turn the national wealth of Nicaragua over to their direction and dictation in order that they may benefit by that policy.

Mr. BINGHAM. If there is no question of foreign capital involved, will the Senator tell us why it is that when speeches are made here on behalf of Sandino somebody pays for the cablegrams so that they get into the Nicaraguan papers, and when speeches are made here on behalf of the attitude of our Government the Nicaraguan papers do not seem to get any cable dispatches about them at all?

Mr. BORAH. I do not know anything about the inside workings of those things. I can well understand why people would naturally sympathize with Sandino. I think myself that Sandino ought to have kept his agreement. I think it would have been infinitely better for his country if he had kept it. I think it would have placed the Liberal Party in power. I think it was a tremendous error of judgment. Nevertheless, Sandino has been carrying on a fight for what he claims to be the interests of Nicaragua. I can well understand why people would be in sympathy with him and why some of them would pay for telegrams to reach this country.

Mr. WHEELER. I think the Senator does not share the belief that some of those men do, that Sandino is just a bandit?

Mr. BORAH. Not just a bandit, no.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. NORRIS. The thing I do not quite understand in the Senator's statement is that he says it is necessary that this agreement be carried out to hold an election because the Liberals, about 80 per cent of the people, are so anxious to have it carried out and they would be helpless without it, and yet the Senator makes the statement in regard to Sandino that he is acting for and has the sympathy of the Nicaraguan people.

Mr. BORAH. No; I did not say that. I was referring to the sympathy of people in this country.

Mr. NORRIS. Has not he the sympathy of the Nicaraguans?

Mr. BORAH. No; I do not think so. I think with the exception of a very few, the people want peace and this election.

Mr. NORRIS. Then the question arises in my mind why it is so difficult to capture a few bandits if there is nobody in the country there who is friendly to them.

Mr. BORAH. It was pretty well pointed out by the gentlemen before our committee why it was difficult, in the recesses of the mountains and in places where it was almost impossible to go, to locate Sandino, and especially when Sandino was seldom in company with his troops. I do not believe that very many people in Nicaragua sympathize with the course which Sandino has taken. I am perfectly satisfied that the great majority of the Liberals, practically all the Liberals, feel that their future welfare in Nicaragua depends upon the faithful carrying out of this agreement. Whatever may be their idea about Sandino as a general proposition, they think that he has made a great mistake in embarrassing the carrying out of this agreement. A number of them have said so. I have

had correspondence for the last six months with Liberals and with Americans who reside in Liberal territory. With one single exception they have universally agreed that it was in the interest of the Liberals to carry out the agreement, that Sandino was making a mistake, and that he was not receiving the sympathy of the better element of the Liberals.

Mr. NORRIS. Without questioning the thought that it might be better to carry out the agreement, I think the same writer to whom the Senator has just referred has expressed the opinion in some of his articles that the people of Nicaragua look upon Sandino almost as a god; that he is the George Washington of that country. I could not harmonize that, assuming that he had made a correct statement, with the fact that practically all Liberals were anxious to have Sandino quit.

Mr. BORAH. I read Mr. Beale's statement in which he said that Sandino, in his opinion, had the sympathy of many of the people of Nicaragua. I do not know just how he expressed it, but I know he gave the idea that he had generally the sympathy of the Liberals of Nicaragua. I read from his statement where he said he believed, if he were free, that he could soon raise a large army. I am only placing my judgment against his by reason of the fact that from a reading of the newspapers of Nicaragua—the first time I know of in history that Nicaragua ever had free press—and from other facts I am forced to conclude that the vast majority of the people sympathize with the carrying out of this agreement and want to see it done. I am further supported in that view by letters from Americans living in Liberal territory and from Liberal leaders. It may be that I am in error, but I have no doubt about it in my own mind.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BLAINE. If it is true that there is such great loyalty to the supervision of Nicaraguan affairs by the United States and that those people are against this so-called bandit, why is there not a veritable uprising of the people of Nicaragua to beat back this alleged rebel?

Mr. SHIPSTEAD. Mr. President, will the Senator—

Mr. BORAH. Just a moment, if the Senator please. Let me answer the question of the Senator from Wisconsin.

Sandino has been located in a part of Nicaragua, so far as his active operations are concerned, where there are very few Nicaraguans. It is altogether probable, as the Nicaraguans have been disarmed and are without any means for carrying on war with Sandino, that they would not volunteer to go in search of him. I can readily understand why they would not do so in view of the treatment which Sandino has given them in two or three instances where they did not subscribe to his program with sufficient satisfaction to himself.

Mr. BLAINE. Mr. President, if that be true, would it not be better for the United States Government to permit the people of Nicaragua to organize their government than to beat back this alleged bandit and so-called rebel?

Mr. SHIPSTEAD. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. Yes; I yield.

Mr. SHIPSTEAD. If I remember correctly, Admiral Latimer, when asked his opinion of Sandino, as to whether or not he was a bandit, said that he himself personally did not like to have Sandino called a bandit. Does the Senator from Idaho remember that?

Mr. BORAH. I think the admiral said something to the effect that he did not regard Sandino as a bandit in the true sense of the term. I have not called Sandino a bandit. My criticism of Sandino is that he did not go along with the agreement. I feel as the Liberals of Nicaragua that he would have better served his country. I do not find it necessary to go further in attacking Sandino.

Mr. KING. Mr. President, will the Senator from Idaho permit an inquiry? I do not want to interrupt the continuity of his argument.

Mr. BORAH. I do not think the Senator could do that.

Mr. KING. The Senator from Idaho may have covered the point I have in mind. As I understand the statement of the Senator—I have only heard a small part of his address, having been detained in the Finance Committee on official business—the Senator is defending our activities in Nicaragua upon the ground that an agreement was entered into respecting the election. Nothing that the Senator has said, as I take it, condones the United States Government going into Nicaragua years ago and our continued occupation of Nicaragua and the use of force there in the past, including the maintenance of marines for a considerable number of years?

Mr. BORAH. No, Mr. President. I have not changed my views which I have expressed from time to time with reference to our policy toward Nicaragua. I said in my opening remarks

to-day that I proposed to discuss this matter solely from the standpoint of the condition which we ourselves have superinduced in Nicaragua. I feel very strongly that if we should withdraw from Nicaragua under the present circumstances and conditions we would not only leave Nicaragua to turmoil and strife and bloodshed and leave the Liberals to the mercy of those who have been engaged in depriving them of their rights for the last 15 or 20 years, in any way and another, but we would forfeit whatever respect we may have among the Central American people generally. Whatever they may think as to our having gone into Nicaragua in the first instance without justification, they now feel, as I believe, that we have entered into an agreement which gives the Liberals of Nicaragua an opportunity to have a hearing. The Liberal sentiment throughout Central America is in sympathy with the Liberals of Nicaragua securing a hearing, and, in my opinion, we should forfeit all respect which we may have in other parts of Central America by betraying the agreement which we made, whether we had any power to make it or not.

Mr. GEORGE. Mr. President, will the Senator from Idaho permit me to ask a question?

Mr. BORAH. Yes, sir.

Mr. GEORGE. Are we not predicating our policy according to the effect that our act has upon Latin America rather than controlling it by what ought to be a proper policy for us to pursue?

Mr. BORAH. Of course, the Senator from Georgia will understand that I do not contend that is the only reason. I say that that is one of the things which we should consider. I would take that position if all Central America was opposed to it. We made this agreement, and we are in honor bound to carry it out.

Mr. GEORGE. I understood the Senator from Idaho to lay down as a basis of his entire argument—if I misapprehended him, I regret it—that whether we were right in going in or not, whether we were justified and were acting within our power in entering into the agreement to supervise the election, since others have acted upon our undertaking, upon our assurance that we would supervise the election, we were morally bound, and that we were estopped—I think the Senator used that word—

Mr. BORAH. Yes; and I take that exact position.

Mr. GEORGE. Then it follows, as a mere corollary to that, that we are formulating our foreign policy upon its effect on the opinion of the Central American people.

Mr. BORAH. No, Mr. President, I do not regard it in that light at all. We went to Nicaragua; we entered into an agreement with those people; we had a reason for doing so. We desired to restore order in Nicaragua, and we made the agreement in good faith.

Now, as to the technical power to make the agreement, I am not at this time discussing it, and I am willing to admit for the sake of the argument that the technical power does not exist; but we made the agreement; the people of Nicaragua relied upon it; they disarmed in consequence of it; and we must carry it out whether the technical power to make it existed or not. That is the position I take. It does not establish a general policy.

Mr. GEORGE. Because to fail to do so would put us in bad repute in every Central American and South American State?

Mr. BORAH. Not alone that, but as a nation we are bound to carry out our agreement which we have made and upon which others have relied.

Mr. GEORGE. Whether we had any right to make the agreement or not?

Mr. BORAH. Yes, Mr. President; when others have fulfilled their part of the agreement.

Mr. GEORGE. And whether it should have been made or not?

Mr. BORAH. Yes, Mr. President.

Mr. GEORGE. Whether it was even a fair or just agreement?

Mr. BORAH. Yes, Mr. President.

Mr. GEORGE. Well, I can not quite follow the Senator.

Mr. BORAH. I am sorry that the Senator can not follow me. But in view of that agreement and what these people have done under the agreement, I would carry it out whether we had the technical power to make it. It would be an act of dishonor to plead want of power in such circumstances.

Mr. DILL. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. DILL. Does not the Senator think that the approval and carrying forward of an agreement not authorized by Congress, and when it is admitted that it was made without any authorization at all, will encourage Presidents in the future to disre-

gard the law and to make other agreements which may involve us in international troubles even worse than this?

Mr. BORAH. I have not reached that proposition as yet. I have not said, however, that we did not have the power. I said I was assuming for the sake of the argument in presenting this question that we did not have the technical power to make the agreement. I have not admitted, as a matter of fact, that we have not the power, and I am going to discuss that question in a few moments.

Mr. DILL. Very well.

Mr. BORAH. Mr. President, there are two ways to look at the question of holding an election in a foreign country. I think we are justified, in the first instance, in considering the precedents. In the second place, I think it is fair to examine the proposition upon its merits as to whether or not we would have the power to make such an agreement even if there were no precedents to justify it. But we have been holding elections and supervising elections in the Central American countries for the last twenty-odd years. We have been holding them as a result of agreements upon the part of the Executive. I shall have something to say in a few moments as to whether or not the Executive should consult Congress in regard to them, but, so far as the precedents are concerned, Congress has never been consulted; the President has sent his own representatives, made his own agreements, and has carried them out.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. WHEELER. If the President of the United States has power to enter into an agreement to supervise an election in Nicaragua, he would have the right to agree with the King of England to supervise an election in Ireland or any other place under the British flag. There would not be any distinction, would there?

Mr. BORAH. That is a conclusion at which the Senator arrives but which I do not accept.

Mr. WHEELER. I ask, is there any distinction?

Mr. BORAH. Yes; I think there is a distinction, a broad distinction, the conditions could never be similar.

Mr. KING. Mr. President, I suggest it is probably a question of propinquity.

Mr. BORAH. In 1908 the opposition party invited Mr. Taft, the then Secretary of War, to arrange some form of American supervision which would insure free and fair elections in Panama. As a result Mr. Taft suggested to the President of Panama that two American witnesses be present in the booths in every polling district in the Republic to watch the voting and witness the count. A joint commission was also appointed of Americans and Pan Americans to make a thorough investigation of the electoral situation and to confer as to measures to be taken to prevent fraud. So far as I have been able to ascertain, that is the first instance in which we undertook to supervise an election in a foreign country.

Mr. CARAWAY. Does the Senator approve the idea of putting Americans into the polling booths in foreign countries?

Mr. BORAH. I am going to discuss that question in a few moments. I said a while ago that if the election in Nicaragua can be associated with the right of the President to protect life and property in a foreign country, if it is one of the methods by which to restore order and to give security and stability to the government, and thereby protection to American lives and property in the foreign country, I think it is one of the methods which may be adopted, when adopted by consent of all parties.

Mr. CARAWAY. Then, it will be equally applicable to any country?

Mr. EDGE. It would be considered one of the most peaceful methods, would it not, rather than the method of armed intervention?

Mr. BORAH. It would be applicable to any country where the same conditions prevailed.

Mr. CARAWAY. Where does the right come from, then, to go into any country? If it does not apply to all countries, why is it right in the case of some particular country?

Mr. BORAH. We have got to take into consideration the question of whether or not under the circumstance which existed this is one of the methods by which we can best secure security for our own people and protection to their lives, and whether it is agreeable to all parties.

Mr. CARAWAY. Then, if this country shall determine that the best way to preserve the life and property of American citizens is to go into a foreign country and supervise their elections, the Senator says we have got a right to go into any country to do that, if we determine that is the best way to protect their lives?

Mr. BORAH. Not if we determine it; and we did not make the determination in this instance. We took into consideration

the consent and acquiescence of those who were interested and the conditions prevailing.

Mr. CARAWAY. The Senator just before that, however, declared Diaz was a usurper, and, therefore, that he had no right to speak for Nicaragua, did he not?

Mr. BORAH. He was president and he had a right to speak for a part of the people of Nicaragua, as the Liberals had a right to speak for the other part.

Mr. CARAWAY. Does the Senator concede that a usurper has a right to speak for the country?

Mr. BORAH. No; but he has the right to speak for those whom he represents, and he speaks for his government so long as he holds the office.

Mr. CARAWAY. Whom does he represent?

Mr. BORAH. He represents the conservative forces in Nicaragua, and he represents the government as he still holds the office.

Mr. CARAWAY. If I understood the Senator correctly a while ago, he said Diaz represented the foreign investors.

Mr. BORAH. He represents the conservative sentiment in Nicaragua.

Mr. CARAWAY. Did not the Senator say he represented foreign investors?

Mr. BORAH. I think he is in sympathy with them and represents them in the respect in which I used the term.

Mr. CARAWAY. The Senator said he represented them; that is what he represented in Nicaragua. Was not that the Senator's statement?

Mr. BORAH. I said he represented them, in the tense in which I was using the term.

Mr. CARAWAY. Foreign investors have not any right to make an agreement as to what we shall do in Nicaragua, have they?

Mr. BORAH. The Liberals consented to our action.

Mr. CARAWAY. Did the Liberals consent to it or not?

Mr. BORAH. Yes; they did consent to it.

Mr. CARAWAY. Then, why are we fighting some of them down there now?

Mr. BORAH. Because one who consented to it broke his word.

Mr. CARAWAY. Did not Mr. Stimson, in the Saturday Evening Post, boast that he and the general of the Liberal forces double-crossed their own forces?

Mr. BORAH. I do not so understand.

Mr. CARAWAY. He said, "My men will not agree to it unless we make a certain condition appear to exist when it did not exist."

Mr. BORAH. No; I do not remember that.

Mr. CARAWAY. It would be interesting to read what he said about it.

Mr. BORAH. If the Senator has it, I will be glad to have him read it.

Mr. CARAWAY. I have not it; but I was certain that the Senator, who is so well informed on this question, had read it.

Mr. BORAH. I do not think Mr. Stimson said that.

Mr. CARAWAY. Oh, yes; he said that.

Mr. BORAH. I have it here. Will the Senator turn to it?

Mr. CARAWAY. I can not do that now, but I will get it. The Senator, who is so well informed on this matter ought to have known that.

Mr. SWANSON. Mr. President, will the Senator yield to me a minute?

Mr. BORAH. I yield to the Senator.

Mr. SWANSON. I want to make this distinction: The Senator draws a parallel between holding an election in Panama and holding an election in Nicaragua. I do not think we had any right to make any agreement to hold an election in Nicaragua; but I agree with the Senator that since it was made, and the situation has changed, and under this agreement the Liberals have put themselves at the mercy of their enemies we ought to carry out the agreement and keep national faith.

When the Senator speaks of Panama, however, we have a treaty with Panama under which we have a right to enforce law and order there, as we had in the case of Cuba; and if that becomes a part of it, I can see where there would be a good excuse for holding an election as part of the methods of guaranteeing law and order. When the Bryan treaties came to the Senate, however, as I understand, there was a provision in these treaties authorizing us to have the same right in Nicaragua to enforce law and order that we have in Cuba, but it was eliminated. The Senate refused to agree to it, and there is no treaty in the case of Nicaragua that provides that this Government has any authority to enforce law and order there; and, consequently, we stand exactly where we stand with other nations.

In Panama we have a right. In Cuba we have a right under the Platt amendment, but in Nicaragua no such right as that exists; and in passing I only want to emphasize the fact that I disagree with the Senator as to the right of holding an election in Nicaragua similar to our right in either Cuba or Panama.

Mr. BORAH. If we have a right to make a treaty to hold an election, we have a right to make an agreement to hold an election, if the holding of an election is a part of the program of protecting life and property.

Mr. SWANSON. I differ with the Senator.

Mr. SHIPSTEAD. One moment, Mr. President. I think there is one thing that should be made clear.

Mr. SWANSON. The Constitution says that any treaty made by the President in regard to foreign affairs, and ratified by the Senate, is the law of the land. I think Congress could pass an act authorizing us, as an act of grace or otherwise, to agree with certain people to do certain things—

Mr. BORAH. I said that we could make an agreement.

Mr. SWANSON. But I deny the right of the Executive to do it. Now, I am going to vote against this amendment. I do not think it ought to pass. I think the honor and faith of this Nation is involved with the entire Liberal party, comprising 80 per cent of those people, who trusted us, surrendered their arms, and put themselves at the mercy of their enemies under an agreement with us by which we were to supervise an election. Now, I think good faith requires us to carry it out. I am not going to quibble over whether we had a constitutional right or a legal right or a technical right to make that agreement or not. I think it would be bad faith to refuse to carry out the agreement now.

Some people differed with me as to whether President Wilson had a right, in the Fourteen Points, to agree to autonomy to the Armenians. I stood here in that case as I stand in this. Whether he made the declaration under authority or not, those people trusted to that declaration. Those people sacrificed all and put themselves at the mercy of their enemies, relying on our aid. I, for one, am for carrying out national faith and not making a mere technical argument as to whether or not it is constitutional. I think it would be bad faith not to have that election. I believe it would prevent the Liberals from getting in power. Feeling that way, I am not going to vote to take the marines out until that election is held.

Mr. WHEELER. Mr. President, the Senator and I do not disagree about national faith; but I feel that if we are going to pass upon this question of national faith because of the fact that the President of the United States has entered into an agreement which he did not have any right to make we ought to go back a little bit further, because when we first sent the marines down to Nicaragua the President of the United States issued a statement saying that we were going to be neutral, and there has not been any neutrality about it at all.

Mr. SWANSON. Will the Senator from Idaho yield to me another minute? I do not want to detain the Senate too long.

Mr. BORAH. I yield.

Mr. SWANSON. The way I feel about the matter is this: I think the Administration made a mistake in going into Nicaragua, and I think the chairman of the Foreign Relations Committee agrees with me. I think there was no American property in jeopardy there, to be frank and candid with you. I think we had ample means to protect that property. I think the Government, when it recognized Diaz, did not carry out the understanding of the five treaties made with the Central American States, that they would not recognize a government that came into power by revolution.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. SWANSON. I will yield later, if the Senator will permit me to state my views. I do not wish to make a speech and delay a vote.

I feel that when the Secretary of State and the President recognized Diaz they should have recognized Sacasa, as the chairman of the Foreign Relations Committee thinks. I think he was the constitutional president when the President resigned. We had supervised an election. The Liberal Party and its candidate had won by 48,000 to 28,000. These nations had agreed that they would not recognize a government that came into power by revolution or a coup d'état. The troops went out in August, and in October this revolution occurred. Then we resorted to the little subterfuge of refusing to recognize Chamorro, but we recognized somebody agreeable to his party that brought about the revolution. I think we ought to have refused to recognize anybody in the Conservative Party that stood behind him and forced this revolution. Consequently, we ought to have refused to recognize Diaz and ought substantially

to have recognized Sacasa. If that had been done I do not believe any trouble would have occurred there.

To my mind, the administration made a mistake. They realized that three-fourths of the people in Nicaragua were with Sacasa and the Liberals. Chamorro and Diaz had been sustained there heretofore by United States troops, held there for a long time. To withdraw, it was necessary for them to get these Liberals disarmed, because it would take thousands of troops to overpower the Liberals. I believe all this movement about neutral territory was simply a means to help the Conservatives.

Mr. LA FOLLETTE. Mr. President, will the Senator from Idaho permit me to ask just one question of the Senator from Virginia?

Mr. BORAH. Yes; I yield.

Mr. LA FOLLETTE. The Senator from Virginia expressed it as his opinion that the troops were not originally sent into Nicaragua for the reasons stated by the President. Is the Senator willing to state to the Senate what reason he believes motivated the Chief Executive in ordering those troops into Nicaragua?

Mr. SWANSON. I stated that I did not believe property was in sufficient jeopardy to justify that excuse for sending them. I think the administration was desirous of recognizing a government dominated by the Conservatives, and by recognition would give them an opportunity to be in power. I think they realized that that was a mistake, that the Liberals had the majority there, and a big majority, and now they are willing to have an election, and that election will put in power the people that they refused to recognize at the beginning.

Mr. LA FOLLETTE. Does not the Senator believe that those troops were sent into Nicaragua for the purpose of sustaining Diaz in his office as President?

Mr. SWANSON. I have an idea that it was under a policy announced by President Coolidge, which I do not agree with, that when we recognize anybody in Central America we ought to make that recognition valuable, and ought to sustain them and give them our support. I have an idea that they went down there because they had recognized Diaz, and felt that they ought to make good any government they recognized in Central America, with which I do not agree.

Mr. BORAH. Mr. President, I trust I shall be permitted to go ahead now, because I do not want to occupy too much time.

Mr. SWANSON. The Senator certainly will, as far as I am concerned; and I apologize for having interrupted him at such length.

Mr. BORAH. I am very glad to have the Senator's suggestions with regard to the matter, but I do not want to hold the floor very much longer.

This was in 1912, in regard to Panama:

Both parties requested the supervision of the United States Government in the congressional elections, and the American Government consented to intervene and supervise the registration, and, if necessary, the voting. A committee composed of the Governor of the Canal Zone and two American Army officers was designated for the general supervision of the registration and election. One supervisor was appointed for each of the 61 electoral districts, with one or more assistant supervisors, according to the size of the district, 228 supervisors and assistants being appointed in all. The registration was supervised and the American minister reported that the supervisors had little difficulty in maintaining order and in settling amicably the large majority of the controversies which arose.

That election was not held by reason of a treaty.

Mr. SWANSON. What election was it?

Mr. BORAH. The election of 1912. It was held upon the request of both parties or factions in Panama and was, so far as I have been able to ascertain, purely a voluntary matter upon the part of our Government, based upon their request.

Mr. SWANSON. But, if the Senator will permit me, while I do not like to interrupt him too much, in the case of Panama and Cuba, has not our Government authority, under a treaty, where it thinks order can be restored and maintained by certain action, to take a different course than in cases where no such authority exists?

Mr. BORAH. There is no provision in the Panama treaty providing for holding an election.

Mr. SWANSON. No; but, as I stated, if that is conceived to be the best way to keep order down there, we have an obligation to do that under the treaty, and the President can take that means of doing it.

Mr. BORAH. That is exactly my position. I take the position that if through an election we can best establish order and protect life, in which we are interested, our citizens and their property being there, we have the right to conduct an election instead of using gatling guns. I take the further position,

however, that it is the obligation of the President, when he desires to hold an election, to consult the Congress of the United States with regard to it. I take that position for this reason: It is the exercise of a sovereign power within the territory of another Government. It is the exercise of a power which is calculated to make trouble; and, therefore, whatever may be the technical right of the President to protect life and property in a foreign country, when it comes to holding an election or comes to doing that which may result in war, the obligation rests upon him to consult the Congress of the United States; but bear in mind that no President has ever done so.

Mr. EDGE. From 1908 up to the present time.

Mr. SWANSON. But the Senator will concede that in those countries where we have a treaty—

Mr. BORAH. I am going to refer to countries where we did not have any.

Mr. DILL. Mr. President, before the Senator takes up that matter, how and when are Presidents to be compelled to come to Congress for this authority?

Mr. BORAH. Mr. President, that presents a legal proposition. I wish I knew the exact solution of it. The President has the power, and it is his duty, to protect American life and property in foreign countries. So long as that protection consists of merely defensive acts for the protection of that life and property, I think it belongs to the President exclusively. When it takes the form of aggressive action, taking possession of territory or carrying on a conflict with forces in that country, I think it is carrying on war. I think then the President ought to consult Congress.

I have no doubt at all but that under the Constitution we carried on war in 1910 and 1911 in Nicaragua. I have not any doubt but that in 1915 and 1916 we carried on war in Haiti and San Domingo. I have no doubt but that we are carrying on war now in Nicaragua. In my judgment, the true rule is that which was laid down by one so aggressive as Andrew Jackson, that whenever it takes the form of aggressive action, taking possession of territory or carrying on a conflict with forces in that country, I think it is carrying on war. I think in such cases the President should consult the Congress of the United States, the war-making power. But bear in mind again, my friends, that no President has ever done so since 1903.

Mr. DILL. And as long as Congress ratifies his illegal acts no President ever will come to Congress.

Mr. SWANSON. Mr. President, if the Senator will permit me to make a historical correction, President Buchanan in two messages requested Congress to give him power to enforce the neutrality of the railroad in Panama, which he had the authority to do.

Mr. BORAH. I did not dispute that proposition. I said since 1903. Prior to 1903, so far as I know, no President ever assumed to use our troops in foreign countries in aggressive action without the authority of Congress. I agree perfectly with those Senators who feel that the power of the President ought to be defined and restrained. I will support any proposition which will bring the President to the Congress of the United States for the purpose of getting authority to use the troops in foreign countries whenever we use troops for any kind of aggressive action.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. EDGE. Is it not absolutely possible, and not only possible, but has it not occurred in the present disturbance in Nicaragua, that under certain circumstances a purely defensive movement necessarily becomes an offensive movement overnight?

Mr. BORAH. Yes.

Mr. EDGE. Certainly the commandant of the marines, when his marines are attacked by an enemy, must, in the ordinary protection of life, take the offensive, rather than huddle in headquarters while those who are attacking them are getting ready for further attack. Can it not even happen that Congress may not be in session when such an occurrence comes about?

Mr. BORAH. Of course that may happen, and that is the exception. I am supporting in good faith and in all sincerity the action of the administration in carrying out this agreement which was made, but I do not modify my view at all as to our policy toward Central America, and I do not modify my view at all that the President of the United States should never employ the troops in foreign countries when the Congress of the United States is available for consultation, without coming to the Congress, except in purely a defensive way to protect life and property.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. BORAH. I yield.

Mr. HEFLIN. I have a resolution pending now which provides that the President shall either withdraw the armed forces from Nicaragua, or come to Congress and obtain consent to keep them there. Does not the Senator think that is a sound resolution?

Mr. BORAH. No; I do not, for the reason that I do not think we ought to withdraw those troops from Nicaragua.

Mr. HEFLIN. But it provides that in that event he shall come to Congress and consult Congress.

Mr. BORAH. I would be glad to have the President of the United States establish the precedent of consulting Congress whenever Congress is in session or is available, when he desires to employ the troops or keep the troops in a foreign country. But I am not going to vote to bring the troops out of Nicaragua under the present circumstances in order to express my view to the President as to what his policy should be. I will seek a different way than that of violating our pledge to the people who have implicitly trusted our Government.

Mr. HEFLIN. But if Congress should decide that we are in a state of war in Nicaragua, and that the President should obtain an act of Congress declaring war before he should use the troops in Nicaragua, would not Congress have a right to say whether or not it thought the troops were properly there?

Mr. BORAH. That is what we are going to say to-day.

Mr. HEFLIN. So the Senator does agree in part with my proposition, that the President should obtain the consent of Congress to keep them there?

Mr. BORAH. My idea, if I may state it again, is this: That the President may employ the troops in a foreign country for the purpose of protecting life and property, as a defensive act, or, I think, he may employ them even when Congress is in session, purely for the purpose of throwing protection about the life and property of our people in a foreign country. But the moment the action takes on the nature of an aggressive action, the seizing of territory, the carrying on of armed conflict, a controversy with any faction or any part of the Government; when it becomes war, as war is defined by the Supreme Court of the United States, a conflict between two opposing forces, I think the President, when Congress is available, should also consult the Congress, and have his authority confirmed by Congress.

Mr. NORRIS. Mr. President, may I ask the Senator a question there?

Mr. BORAH. Yes.

Mr. NORRIS. The Senator has simply restated what he said directly a while ago, as I understood it, that in his judgment the President is now carrying on a war in Nicaragua. If that be true, and the Senator believes that he should not do it without the consent of Congress, how can we ever reach a point where we can bring that desirable condition about, as long as we continue to vote to approve those actions which we think are wrong?

Mr. BORAH. Mr. President, I would vote right now, this minute, to authorize the President of the United States to employ the troops in Nicaragua for the purpose of carrying out that election agreement. I would not hesitate a moment to do so. I think whatever force is necessary to do that under the circumstances we ought to use, and I would vote to authorize the President, and I believe the Congress would vote to authorize the President, to do that.

Mr. NORRIS. Would not that be a declaration of war, in effect?

Mr. BORAH. It might have that effect.

Mr. EDGE. Against whom?

Mr. NORRIS. Against Nicaragua.

Mr. EDGE. Sandino does not represent any government. As I understand it, he is repudiated by everybody in the government.

Mr. BORAH. Under international law, and under the decisions of the Supreme Court of the United States, in order to carry on war you do not have to have a government to fight. You can carry on war against a faction in a country, you can carry on war against a part of the people of a country. It is not necessary to have a government in order to declare war, or to authorize the use of troops.

Mr. FRAZIER. Mr. President, as I understand it, the Senator from Idaho thinks that the President has been wrong in his attitude in sending marines down there, practically waging war against Nicaragua, and yet he states that he would vote now to authorize the President to send troops down there; in other words, because the President has made a mistake, he should be backed up by the Congress of the United States, regardless of the mistake.

Mr. BORAH. Mr. President, I have stated my position, perhaps inadequately. It is this: The President has made an

agreement with the different factions of Nicaragua. That agreement, in my judgment, was entered into in good faith upon the part of the people of Nicaragua, as well as ourselves. As the result of that agreement, the people of Nicaragua have done certain things. In the first place, the Liberals have disarmed, they have laid down their arms, they are now absolutely without protection, either political or military, except what protection the people of the United States give them. Under those circumstances I would vote unhesitatingly to authorize the President to use the troops for the purpose of doing whatever is necessary to carry out that agreement. In other words, I am perfectly willing to share the responsibility with the President, my view being that, the agreement having been made, the President ought to carry it out. I would not urge him to do that unless as a Senator I was willing to share the responsibility.

Mr. NORRIS. Mr. President, would the Senator be willing, as a corollary to that, to vote for a proposition here to give to the President the authority to make agreements with other countries to supervise elections in those countries?

Mr. BORAH. No; I would not. I feel about that just exactly as I do about the question of war. I do not know that anything is to be gained by my expressing my dissent from the policy of the President at this time, but I think that whenever we undertake to exercise the kind of power we must exercise in carrying on elections, the authority of Congress ought to be had.

Mr. SHIPSTEAD. Mr. President, if the Senator will permit me, as a matter of fact, this agreement was entered into as the result of an act of war, was it not?

Mr. BORAH. No; I do not think so.

Mr. SHIPSTEAD. When Mr. Stimson told those people that if they did not disarm they would be forcibly disarmed, he stood on their own soil. He had armed forces of the United States back of him, and he said, "If you do not disarm, we will forcibly disarm you." Was not that in itself an act of war?

Mr. BORAH. Standing as the naked proposition which the Senator makes it, it would be so construed, perhaps; but I do not know whether the Senator is familiar with the facts as to why that statement was made.

Mr. SHIPSTEAD. It is enough that it was made.

Mr. BORAH. Well, everybody down there was striving to bring the different people together. There were certain maneuvers which were thought necessary in order to bring them together. I do not think Mr. Stimson had any authority whatever to actually use the troops for the purpose which he indicated.

Mr. EDGE. It at least stopped bloodshed?

Mr. BORAH. Yes. I will now proceed.

Mr. NORRIS. So that there may be no misunderstanding—and I think there might be some from the answer the Senator made to the Senator from Minnesota—does the Senator mean that Mr. Stimson overstepped the authority granted him by the President?

Mr. BORAH. Stimson has said publicly, and I have read the statement, that he did not feel it was necessary to make that statement so far as the Liberals were concerned, but that there were certain banditti, or certain people who were not ready to listen to reason, and they thought it would have effect rather upon those who were not represented by any organization or represented by any particular party, but were what you might call the lawless element.

Mr. NORRIS. I have been laboring under the impression, in good faith, all the time that Mr. Stimson was correctly interpreting the intention of the President of the United States. I could not think for a moment that he would make that statement down there, and I can not really believe now that the President would permit it to go uncontradicted, if he said to Moncada and his followers, "If you do not disarm we are going to force you to disarm, we are going to insist that Diaz stay in until the next election." If the President of the United States did not mean he should do that, I should think he would have repudiated it at once.

Mr. BORAH. This is what I had reference to. Mr. Stimson said:

I included the last sentence not as a threat to Moncada's organized and loyal troops, who, I was confident, would follow their leader's direction, but as a needed warning to the bandit fringe who were watching for any sign that we were not in earnest in order to indulge their taste for pillage once the government troops had laid down their arms and there remained no force in the country other than the Americans able to restrain them.

That is what I had reference to. Just what it means, I do not know. Unless it refers to the lawless element found in all strife-ridden communities.

In 1920 the department, while asked to do so by the opposition, declined to exercise any supervision over the Panama presidential elections of that year.

HAITI

In 1916 Dartiguenave was chosen President by the Congress of Haiti under the protection of American marines, who patrolled the entire city and prevented disorders in Congress during the elections.

Mr. SHIPSTEAD. Mr. President, I do not want that statement to go unchallenged. He was elected, not by the people of Haiti, but we elected him. We put him in office.

Mr. BORAH. That is very much stronger for my contention.

Mr. SHIPSTEAD. Our marines elected him.

Mr. BORAH. Very well. I accept the Senator's statement. He has been there, and he has made a personal investigation. I have no desire to state it less fully than the facts would justify. Then I will say that in 1916 Dartiguenave was chosen President under the supervision and by the direction and through the influence of the marines. Is that correct?

Mr. SHIPSTEAD. That is correct.

Mr. EDGE. During the administration of Woodrow Wilson.

Mr. BORAH. I read further:

In 1920 a new Haitian constitution was adopted by a plebiscite. To insure against any possible demonstration or disorders the Haitian gendarmerie, officered by American marines, was authorized to maintain order and to superintend the voting.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BORAH. Just a moment.

The gendarmerie officers were instructed to take such measures as would insure (1) that none but citizens of the district voted; (2) that all qualified citizens had an opportunity to vote; (3) that each voter was free to vote "yes" or "no," as he might desire; (4) that all votes were counted; and (5) that the procès-verbal was exact, unambiguous, and honest.

Now I yield to the Senator.

Mr. SHIPSTEAD. I simply wanted to call the Senator's attention to the fact that that constitution was written in Washington for the Haitian people.

Mr. BORAH. Yes; I know. I think that is correct. I think that constitution was written by Mr. Franklin Roosevelt, Assistant Secretary of the Navy, and was sent down to Haiti to be adopted by the Haitian people, and that it was adopted under the direction and authority of our marines.

Mr. SHIPSTEAD. If the Senator will permit me, I see some Senators laughing. As a matter of fact, the marine officers went out and addressed the people, and told them to go and vote for this constitution, because, they said, the Government of the United States wanted them to adopt it. The Haitian people did not want it, because it had a provision in it that they had always been opposed to; that is, that outsiders and foreigners could own land in Haiti.

In the constitution we wrote for them we incorporated a provision that foreigners could own land, and it was necessary to have marines at the polling places to keep the people quiet.

Mr. NORRIS. Mr. President, the Senator from Utah [Mr. KING] has several times addressed the Senate on that subject, and I remember very distinctly his telling how the election was held. I have read and heard of others who told the same story. So that I think it is historically true that what the Senator has said, or read, in his statement, is absolutely correct—that the people of Haiti as a matter of fact had not anything to do with it.

There was a form of election held, but the result of the election was known beforehand and there was only one way in which that election could result.

The elections for a constituent assembly in 1913 were watched by a commission appointed by the department—consisting of Messrs. Gibson, Stabler, and Sterling—but this commission does not appear to have had any jurisdiction or authority.

Mr. WHEELER. The Senator does not think the President should act without our advice?

Mr. BORAH. No; the President ought to consult the Congress, it seems to me, when we come to making agreements such as this.

In 1914 the elections were observed by American officials, both civil and military.

1920

In May, 1920, the American legation was directed to suggest to the President of Nicaragua the desirability of extending an invitation to General Crowder to proceed to Nicaragua for the purpose of undertaking an expert study of the election laws and of proposing such revision or amendments as he might deem necessary. The President replied that such a course would be inconvenient at that time because of the proximity of elections, and continued by stating that the existing election laws amply provided for free elections.

In September, 1920, Maj. Jesse I. Miller proceeded to Nicaragua and became military attaché to the legation at Managua to serve during the electoral period. Major Miller's instructions were to visit various parts of the Republic and after a study of the situation, if he had reason to believe that steps were being taken by Nicaraguan officials to prevent free elections, or for the practice of fraud or intimidation, that he secure an audience with President Chamorro and bring to the latter's attention the gravest concern with which the United States viewed such actions. He was further to state that the sole interest of the Government of the United States lay in its deep concern in all matters affecting the welfare of the people of Nicaragua and its interest to see that the elections were characterized by entire fairness and freedom.

1924

In 1920, elections having been concluded, the Nicaraguan Government on December 18, 1920, formally requested the assistance of the United States in obtaining the services of General Crowder or some other expert to assist in a reform of the electoral laws, stating that the person so selected would receive from the Nicaraguan Government all the necessary help for the best fulfillment of his mission.

The Secretary of State thereupon suggested the name of Dr. Harold W. Dodds, who entered into an agreement with the Nicaraguan Government, resulting from direct negotiations with that Republic's minister in Washington, and proceeded to Nicaragua, where he drafted an electoral law which was passed by the Nicaraguan Congress on March 16, 1923.

In September, 1923, the executive council of the Liberal Party passed a resolution to request the Government of the United States to supervise the forthcoming elections.

Many difficulties were encountered in carrying out the registration and election under the provisions of the Dodds's electoral law. Four United States marines in civilian dress were assigned to assist Doctor Dodds in the registration of voters at Chinandega in March, 1923. The Nicaraguan Government stated at that time that it not only had no objection to the use of marines for this purpose but would give its consent to similar action in other places.

I may say that this is the election in which Solorzano and Sacasa were elected, an election wherein the election law had been drawn by Americans, an election which was in fact supervised by Americans and which resulted in the election of Solorzano and Sacasa, who were the duly elected president and vice president at the time that Chamorro and Diaz organized their revolution in 1925.

Mr. BINGHAM. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BINGHAM. Is it not fair to state right there that they would probably have continued to serve throughout their term had not the marines been withdrawn, and that the revolution to which the Senator refers, which was continued by General Chamorro, came very soon after we withdrew our marines?

Mr. BORAH. My view is that the Senator is correct in his statement of facts. As to his conclusion, of course, I could not say. It may be a fair presumption that they would have remained in power had our marines stayed there.

Aside from precedents, by what authority do we obligate ourselves to supervise an election in Nicaragua? It can not be defended as a right or authority in and of itself. It must be associated with and grow out of our right and authority to protect the lives and property of our nationals. It must spring from our duty to protect our people in a foreign country. We were in Nicaragua. We were there to protect the lives and property of our people, which under international law we had a right to do. Turmoil and bloodshed and internecine war prevailed. The Government of Nicaragua seemed powerless to restore order and thereby give security to life and property. It was believed by all parties that order could be restored by the holding of a fair election, but that that fair election could not be held without the interposition of the United States. The restoration of order brought about in this way would bring security to life and property. It seems to me that the method adopted can reasonably be associated with the protection which we are authorized to give to the lives and property of our nationals. In other words, instead of using weapons of warfare, we use the ballot. It was the method believed to be effective by all parties. This is my view of this authority. I can not argue it at this late hour. But I am bound to say that this matter of holding elections involves an agreement with somebody and an agreement which imposes certain obligations upon our Government. I believe that the Senate of the United States ought to be consulted with reference to that agreement. I would not under the circumstances repudiate this agreement because the Senate was not consulted. But I feel that such course would be the proper course to pursue. It is the exercise

of sovereignty within another country. All of which seems to argue most conclusively that the Senate, or perhaps the Congress, should authorize the action; that at least the Executive and the treaty-making power ought to cooperate. Furthermore, the holding of an election can never be of an exigent nature so as to preclude the consideration of the matter by the Congress.

Mr. President, I want briefly to call attention to some views expressed by people now in Nicaragua, who have been there for some time, as to what the effect would be of our withdrawing our troops. I first quote from Mr. Denny, who is a correspondent of the New York Times. I have read his reports for the last several months and my impression is that he is very fair, very accurate, that he is not a protagonist of any faction but seems to be desirous of giving the situation as it really exists. He said:

The Nicaraguans themselves, Conservatives and Liberals alike, declare unreservedly that anarchy would descend on the country again if the United States withdrew its forces.

When Col. Henry L. Stimson intervened as the personal representative of President Coolidge last May and ended the revolution he induced General José Moncada, the Liberal leader, to lay down his arms at the moment when he felt within sight of victory by promising free presidential elections this autumn.

Both the Diaz government and the Liberals agreed upon United States supervision as the best means to obtain such an election. Since the word of the United States has been given, no well-informed person here except the Chamorristas sees how it can turn aside from complete fulfillment of that pledge and retain a vestige of Latin America's respect.

CONSERVATIVES OPPOSE SUPERVISION

General Chamorro and the considerable portion of the Conservative Party, which he controls completely, are now trying tooth and nail to block effective supervision by the United States and the Sandinistas have become an invaluable aid to them whether or not Chamorro and Sandino themselves desired to be allies. The Chamorro bloc seems to have almost forgotten its earlier argument that the transitory electoral provision now before the Nicaraguan Congress was unconstitutional and in place of this is objecting that free elections can not be held with the northern departments torn by the disorder due to Sandino's operations.

Mr. SHIPSTEAD. Mr. President, may I ask the Senator a question for information?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. Does not the Senator think that if we allow a precedent to be established, whereby the President of the United States through his representatives can make certain agreements which may make it necessary to go to war without a declaration of Congress to that effect, it is a very dangerous precedent to establish?

Mr. BORAH. Under the circumstances I should not regard this case as a precedent at all. I have stated my views about the proposition and would be perfectly willing to support any measure which would establish a principle or put upon the statute books a law which would be indicative of the views of Congress in regard to it. However unfortunate it may be, does not the Senator think that we take great chances, after having done what we have done, in withdrawing our troops and leaving the Nicaraguan situation without any stabilizing force whatever? That would establish a precedent we should never think of establishing.

Mr. SHIPSTEAD. I shall express my views on that subject later.

Mr. BORAH. Very well. I shall wait until the Senator expresses his view.

I now desire to read a paragraph from a letter from a gentleman long residing in Nicaragua, an American pursuing his profession and his business in that country. He resides at Bluefields. For manifest reasons I will not give his name to the public, although I would be perfectly willing to give it to Senators. I have had letters from him from time to time since this trouble began last year.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. BORAH. In just a moment. This gentleman says, referring to the Chamorro faction:

The faction is much afraid that Gen. Frank R. McCoy will have the power and really intends to give the country a free and fair election this fall; and, as all such emotions as well as the inspiration of certain actions emanate, where the gang is concerned, from Wall Street, the fact that the Nicaraguan Congress, a Diaz-Chamorro hand-picked body, despite anything you have heard or may hear to the contrary, has recently refused its sanction of the promised election super-

vision on the ground that to allow such a procedure would be beneath its dignity as the supreme legislative body of a free and sovereign state, arouses the suspicion that this farcical action may have received its impetus from other sources.

I yield now to the Senator from Utah.

Mr. KING. I was about to ask the Senator, in view of his statement in reply to the Senator from Minnesota, whether he believes, even if we remain to conduct the election, that we will not be compelled, under the same principles of honor for which the Senator is contending, to remain indefinitely, because, from the information I have received from those who have been there recently and letters from that vicinity, there is a strong feeling upon the part of many that the presence of the United States is an insult to the honor and integrity of that country, and those who would perhaps be satisfied with the result of the election would feel it was unjust and improper for the United States to take charge of their election, and that, therefore, the result will be, unless we maintain the marines there indefinitely, a revolt and we will be compelled to remain longer and keep our marines there for the purpose of pacification and the maintenance of peace. Does not the Senator think that by conducting the election we are merely laying the foundation for remaining there indefinitely?

Mr. BORAH. Of course, there may be and undoubtedly are people in Nicaragua, at least a few of them, who do not desire to see us hold this election. But I have no doubt at all that outside of the forces which Chamorro has now been able to organize, the great mass of the people of Nicaragua want this election. They believe it is the beginning of a possible stable government in Nicaragua. I do not know and no one this side of heaven knows what the actual result will be in the future, but that does not seem to me to be the sole controlling proposition. We have a situation which we superinduced. We have an obligation which we have assumed. The obligation seems to point, if it is possible, to a better condition of affairs. We must carry out our obligation. If we carry out our obligation in good faith, if the unfortunate results nevertheless, we will be, it seems to me, with a clear conscience and a just position before the world. But if we do not carry out the obligation, if we leave the Liberals to the mercy of those who control the situation, if we turn the situation back to those who have controlled it for the last 15 years, it seems to me that we are inviting disaster there, and certainly inviting criticism for ourselves.

I do not know what the future has in store. In 1910 and 1911 I made the same protest against the situation that I have made in 1927, but three administrations remained in Nicaragua. The marines camped on the white house grounds during the administration of three Presidents. It may happen again. I do not know. I hope to the contrary. I should like to see us get out of Nicaragua and stay out, as soon as we can do so honorably.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. NORRIS. If I may interrupt the Senator there, I desire to say that I thoroughly agree with the last statement he has made, but I want to suggest a danger, as it appears to me. Even on the theory that we ought to get out of Nicaragua, if we can, and we ought to get out honorably, there may be a disagreement as to whether we are not in honor bound to stay in. However, I want to call the Senator's attention to the fact that one of the dangerous things is the establishment of a precedent that might be used perhaps by a tyrant in the future. Does not the Senator think that the great danger is that every administration is going a little bit further, reaching out just a little bit more, and, the precedent being established, that some President in the future may use it for the purpose of getting us into war with any country with which the President himself thinks we ought to wage war, notwithstanding Congress may be opposed to a declaration of war?

Mr. BORAH. Mr. President—

Mr. NORRIS. Mr. President, if the Senator will permit me, I desire to state that there is an additional reason than the one that has been given by the Senator; namely, that we ought to consider ourselves; that the destiny and the welfare and the future of our own country may be at stake when we tread on such dangerous ground.

Mr. BORAH. Of course, the Congress of the United States can exercise its power at any time it may choose to do so against any precedent that may be established. I am unwilling, however, out of fear of the precedent, to violate what I think to be a national obligation resting in honor.

Mr. LA FOLLETTE. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. LA FOLLETTE. If some President in the future should use the precedent established here to bring about a condition of hostilities between this country and some other country, would not the same argument then be made for Congress ratifying the action that the Senator is now making for the continued presence of American marines in Nicaragua?

Mr. BORAH. Mr. President, if the same circumstances and conditions should arise, I presume the argument would be raised and undoubtedly raised effectively; but if the Congress wants to control the situation, if Congress wants to define the power of the President and destroy the effect of all of the precedents which have been established, Congress may do so. I venture to say, however, that Congress will not do so.

However much we may disagree with what President Coolidge did, President Coolidge had ample precedents for the action he took. Congress may destroy those precedents as well as this precedent by establishing permanently a rule of action with reference to such situations.

Mr. NORRIS. Mr. President, I should like to make a suggestion right there. I think the Congress and country are looking to the Senator from Idaho for leadership in that very direction. The Senator from Idaho is chairman of the great committee that is charged with the consideration of questions of this kind. I am not criticizing the Senator, but if we had from the Senator from Idaho or his committee some prospect of a bill that would accomplish what the Senator has suggested I do not believe there would be any fight in favor of the pending amendment or any similar amendment. But it almost seems as though we are at sea when the Senator from Idaho, with all of his ability, and his position as chairman of the Committee on Foreign Relations, holding the views that he holds, has not brought before us such proposed legislation as will remedy the situation and destroy these precedents.

I think it is natural that we are filled with a fear when thinking only of the welfare of our own country we realize that to continue to follow these precedents will some time, when there is a more ambitious President, perhaps, in the White House than now, get us into war with a country that may mean much more than a war with Nicaragua would mean.

Mr. BORAH. Mr. President, I should be very glad to have the cooperation of those who agree with me upon this matter in framing a policy or framing a measure which might define our position and define the powers of the President, but I will say to the Senator from Nebraska that it is not an easy thing to do.

Mr. NORRIS. I know it is not.

Mr. BORAH. I venture to say that 60 or 70 per cent of my time since the Senator from Nebraska submitted his resolution upon this subject, when I have not actually been engaged in matters on the floor, has been devoted to writing a brief upon that subject. I have what I believe to be the law, but I do not know that any other Senator would take that view. It is a very difficult proposition to deal with. I am deeply interested in the subject and hope with the aid of others to reach some definite program.

I have here a letter written by a gentleman who is a resident of California, and who came to me with a letter of recommendation from Doctor Jordan, and I gave him a letter to my friends in Nicaragua. Writing me under date of January 18, 1923, he says:

I have lived in this country most of the past six years and I am somewhat familiar with its peculiar politics.

The fact seems to be that, notwithstanding the explicitness of the treaty, the Conservatives looked upon the return of the marines as a return to the political conditions of 1912-1923, when the elections were entirely in their own hands, and the marines prevented any uprising against them.

Gradually the belief has been growing upon them that the old conditions are not to prevail; that, on the contrary, the Americans are going to do exactly what they said they would do: Let the majority of the people determine who shall govern. And as they have been coming to see this, a discontent with the American intrusion has taken place among certain of the leaders. This discontent has been accentuated by the results of the municipal elections, which were generally unfavorable to the Conservatives, notwithstanding there was no supervision of the polls, but only a restraint imposed by the simple presence of the marines.

The latest manifestation of their state of mind is to be seen in the rejection by the chamber of deputies (Conservative) of the transitory election law proposed by the American Government and accepted by President Diaz.

And so forth.

It is very clear to my mind that the objections now being raised to the Americans' supervising the election are being raised by those who do not want a fair election, who are afraid of the results of the election, who believe that it will give the Liberals control of Nicaragua, and that, outside of that objection upon the part of those men or the limited few, the great body of the people of Nicaragua are relying upon the United States to carry out its agreement.

Mr. WALSH of Montana. Mr. President, can the Senator give us any information about the influences that brought about the defeat of the legislation proposed, and how the situation was met?

Mr. BORAH. The defeat was brought about through the activities of Mr. Chamorro. He secured the cooperation of a sufficient number of his friends to defeat the passage of the law. After the law was defeated, the President of Nicaragua, under what he claims to be the sufficient authority of the constitution, issued a decree the practical result of which is to place General McCoy in charge of the elections instead of the particular individuals who would have had charge of it had not the decree been issued.

Mr. WALSH of Montana. Does that mean that Chamorro still controls the Congress there?

Mr. BORAH. It means that he controls the lower body.

Mr. President, just a word in conclusion.

I said in my opening statement that I did not desire to be understood as discussing the Central American question, or the Central American policy, or the question of the Nicaraguan policy, other than as it relates to the particular situation with which we have to deal. That particular situation, to epitomize, is this:

We went into Nicaragua in 1926 and 1927. It was my judgment that we ought not to have gone, but we did. We recognized Diaz. It was my opinion that he was not the legally elected President of Nicaragua. The executive department was of a different view; so we went into Nicaragua and established the marines in such places as we thought necessary for protecting the lives and property of American citizens.

Things grew worse—more demoralized—until, when Mr. Stimson went there in March, 1927, the country was in a state of civil war. Neither side was any longer taking prisoners. People slain were permitted to rot where they fell; and it was an actual fact that the birds of prey were living upon the carcasses resulting from the warfare that was being carried on in Nicaragua. The condition was such that in order to establish the security which is necessary for the protection of life and property some understanding had to be reached.

Stimson came to an agreement with all the representatives of the different parties, and everyone of any note or prominence in Nicaragua agreed to the program. Chamorro was satisfied; Diaz was satisfied; Moncada was satisfied; Sacasa and his representatives were satisfied; the generals of Moncada were satisfied.

After the election law was defeated, it was revealed that Chamorro had changed his view; and why? It is established beyond peradventure that the reason why he changed his view was because he became convinced that the United States was going to hold a real election in Nicaragua, and that if a real election should result the Liberals, who had been practically disfranchised for 15 years, would take control of Nicaragua. When Admiral Long sent in his report, back in 1910 and 1911, he stated to this Government that 80 per cent of the people of Nicaragua were opposed to the Diaz government; and that has been the condition from that time until now.

This is the first real opportunity the Liberals have had to record their votes for over 16 years. The United States pledged its honor that they should record their votes. Technically, the United States may have gone beyond its power; but the pledge has been made, and, in the language of Lincoln upon a great occasion, the pledge, having been made, must be kept.

If we should withdraw at this time we would leave Nicaragua to turmoil and civil strife and discredit ourselves with the whole of Central America. The path of honor is perfectly plain. There are no two courses open. We must keep our word, and I have no doubt we will keep our word.

Mr. BLAINE. Mr. President, the Senator from Idaho said that he was very willing to answer any questions that might be asked along the line of his argument. I appreciate that he has given years of study to this proposition; and there are two questions that I should like to ask. I am sure that when answered they will afford valuable information.

As I understand, Diaz was elected November 11, 1926, and the American Government recognized that Government on November 17, 1926. The day following American bankers arranged with Diaz for an immediate loan of \$300,000 and a future loan of \$6,000,000.

I wish to inquire of the Senator to what extent, in his opinion, this matter of foreign loans by American bankers has influenced our foreign policy, and the part which those loans played in the carrying out of that so-called foreign policy.

Mr. BORAH. I do not know that this particular loan had anything to do with the actions of our Government with reference to recognizing Diaz or sending troops. I have no knowledge on that subject at all. Of course, our Government is influenced by our investments in Central American countries, because it is for the purpose of protecting those investments and our property interests and the lives of our people who are there that we send marines into those countries. But I have no information whatever as to any bearing which this particular loan had upon our particular policy at this particular time.

Mr. BLAINE. Mr. President, another question. The information may not be available, but here is a circumstance that Diaz was elected, and, as the Senator has said, in his opinion, wrongfully elected. Then the Government of the United States recognized that government six days afterwards, and American bankers the next day made arrangements for certain loans. The circumstances are rather incriminating, and I think that Congress has a perfect right to investigate those circumstances, and harmonize a policy which might prevent untoward circumstances that flow out of the present diplomacy of America, which is, in effect, a guaranty of loans made by international bankers.

Mr. President, I would like to ask another question of the Senator. Is it the Senator's opinion that if Congress should pass a resolution expressing its opinion, that resolution would have any binding effect upon the President in the conduct of our foreign affairs?

Mr. BORAH. I could not say that the President would not pay any attention to it, but, of course, the constitutional power of the President could not be controlled by a resolution of Congress. If the President were exercising unconstitutional powers, Congress would undoubtedly have the means of controlling. For instance, in my judgment, the President has the power, under the Constitution, to employ troops for the purpose of protecting lives and property of American citizens in a foreign country. We could not, in my judgment, take that power away from him, because it is granted by the Constitution.

Mr. BLAINE. Mr. President, the Senator refers to the power of the President under the Constitution to employ troops to protect our interests. The fact is, is it not, as a legal conclusion, that under the Constitution the President is merely made the Commander in Chief of an army and navy when that army and navy have once been created by Congress; the rules and regulations for the conduct of that army and navy initiated by Congress, and money appropriated for the support of that army and navy? Without those conditions precedent, the power of the President as Commander in Chief is merely a paper power. As I said yesterday, he might command a navy, but it would be painted ships upon a painted ocean. He might command of an army, but it would be an army of hobbyhorses commanded by a Commander in Chief on a hobbyhorse.

There must be the means by which that power as Commander in Chief may be carried out, and the power does not exist until there is an army and navy, and all the other conditions precedent. Congress may also limit the strength of the Army, the extent to which it may be used, and when Congress so legislates, then the President, as Commander in Chief, has the constitutional power to command the Army and Navy for the purposes designed by the Constitution and within the limits of legislation fixed by Congress; and in war time, in addition to that, the limitations fixed by the rules of international law.

Mr. BORAH. Mr. President, if the Congress does not see fit to create an army, the President has no army to command. If the Congress does not see fit to create a navy, the President has no navy to command, because there is no navy in existence. But once an army and a navy are in existence he is the Commander in Chief of the Army and the Navy. Whatever relates to command, whatever is incorporated in the idea of command, belongs to the President, and you can not take it away from the President. It is given to him by the Constitution.

That is not the only power the President has which applies in this particular instance. He is not only the Commander in Chief of the Army and the Navy, but it also rests upon him to enforce the laws of the United States. It is not only the domestic law of the United States, but international law is a part of the law of the United States also; and when a citizen goes from this country into a foreign country he is not under the domestic law alone with reference to his rights, but he passes under international law; and whatever right he has under international law the President is also under obligation to see that he enjoys.

Therefore the minute our people go into Nicaragua or into any other country there are certain rights which belong to them by virtue of international law, and one of those rights is the right to life; another is the right to the protection of their property; and it is the duty of the President to enforce international law. That is a part of the oath which he takes when he takes his oath as President of the United States. Not only any law that Congress passes but international law is a part of the law which the President of the United States must enforce.

Mr. BLAINE. Mr. President, I propound to the Senator this question. The President must exercise that constitutional power within the law fixed by Congress.

Mr. BORAH. Not necessarily. If it is a power expressly granted by the Constitution, he enjoys it by virtue of the Constitution.

Mr. BLAINE. If that is not correct, then the President of the United States has become an unlimited potentate.

Mr. BORAH. Oh, no.

Mr. BLAINE. Absolutely.

Mr. BORAH. No; not at all.

Mr. BLAINE. As absolute as the most absolute absolutism that ever existed.

Mr. BORAH. Mr. President, the Constitution of the United States has delegated certain powers to the President; it has delegated certain powers to Congress and certain powers to the judiciary. Congress can not exercise judicial powers or take them away from the courts. Congress can not exercise executive power specifically granted or take it away from the President. The President's powers are defined by the Constitution. Whatever power belongs to the President by virtue of constitutional provisions, Congress can not take away from him. In other words, Congress can not take away from the President the power to command the Army and the Navy of the United States. Congress can not take away from the President the power to grant pardons, which is a specific power given to the President. Congress can not deprive the President of the primary power to see that the laws of the United States are enforced. Those are powers delegated to the President by the Constitution of the United States, and the Congress is bound by the terms of the Constitution.

Mr. BLAINE. Another question. All that the Senator has said in a general way is sound constitutional law, but before there can be any action on the part of any Government unit requiring the expenditure of funds that are in the Public Treasury, or that may be placed in the Public Treasury, Congress must first act and make an appropriation for every essential purpose. That money so appropriated can be used for no other purpose than that designated by Congress, and there is no power that can coerce Congress into making an appropriation. Therefore, Congress's power over matters respecting the making of war unlawfully, beyond the power of the President, outside of the Constitution or within the Constitution, or conducting hostilities in the nature of war during peace times, can be limited and regulated under the power of Congress to appropriate money.

Mr. BORAH. Of course, I do not disagree with the proposition that if Congress does not create an army, or does not provide for an army, or create a navy, the President can not exercise his control or command over an army or navy which does not exist. But once an army is created, once a navy is in existence, the right to command belongs to the President, and the Congress can not take that power away from him.

Mr. BLAINE. Just one other question, and then I will desist. Does the Senator contend that when the Army is created, or when the Navy is created, Congress then must appropriate money, without limit and without restrictions, to meet the demands of the President as Commander in Chief; or must the President exercise his power within the limits fixed by Congress, the only power having the constitutional right to make an appropriation?

Mr. BORAH. Congress is the only power that can appropriate money. The President can not appropriate money, neither can Congress command the Army and the Navy.

Mr. SWANSON. Mr. President, if the Senator will permit me, I have had occasion to look into this question since the resolution was introduced by the Senator from Nebraska. I think the contention made by the Senator about half an hour ago is the correct one. When the question came up in the Constitutional Convention as to making war, as first reported, the Congress had the power to "make" war. It was provided that "Congress alone shall have the power to make war." I think it was on the motion of Madison that the word "make" was stricken out and the word "declare" inserted. He took the ground that if that language remained the President could not

conduct a defensive war. After much debate the word "make" was stricken out, and the word "declare" was inserted. The first interpretation ever made of that language was when Jefferson was President, in connection with the War with Tripoli.

Jefferson made this distinction: He said he had a right to defend our commerce, but he had no right to go into Tripoli and pursue the enemy, as he thought that would be an aggressive war. I think it is the opinion of the Senator, if I understood his remarks, that the President has a right, in a defensive way, for defensive purposes alone, to make war, but when it comes to aggressive warfare, going further, as Jefferson said in his message to Congress, if I recollect it aright, he could not go any further than simply to defend American rights, and wage a defensive warfare. As I understand, that has been the distinction most writers have made in connection with that question.

Mr. BLAINE. Mr. President, just one other question of the distinguished Senator from Idaho. I know that ordinarily he does not hedge. I want to press him just once more to give us the value of his training as a constitutional lawyer.

I repeat, assuming that Congress has created an army and has created a navy, after that is all done, then may Congress not limit the uses to which money may be put by the President as Commander in Chief in the operation and in the command of the Army and Navy?

The Senator has said that, of course, if we do not create an army and navy, then there is nothing over which the President has command. But we have an Army and a Navy. Can not Congress limit, by legislation, under its appropriation acts, the purposes for which money may be used by the President as Commander in Chief of the Army and Navy?

Mr. BORAH. I do not know what the Senator means by "purposes for which it may be used." Undoubtedly the Congress may refuse to appropriate and undoubtedly the Congress may say that an appropriation is for a specific purpose. In that respect the President would undoubtedly be bound by it. But the Congress could not, through the power of appropriation, in my judgment, infringe upon the right of the President to command whatever army he might find. Congress might, by refusing to make an appropriation or by limiting it to a specific purpose, make it physically impossible for the President to discharge his duty in a particular instance. If I understand the Senator, that is my reply.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. EDGE. Suppose the Congress in its judgment limited the appropriation to very moderate figures and the appropriation had been exhausted at a certain time during the fiscal year; that then a situation occurred somewhat similar to that which we now have in Nicaragua, where, at least in the judgment of the President under his constitutional responsibility, troops should be sent to Nicaragua in order to protect American lives or American property. Suppose he had absolutely no money in the appropriation, as an investigation of that situation would disclose. Yet under the Constitution, as the Senator has very definitely stated, it is his responsibility, and his alone, and Congress can not in any way circumscribe that responsibility. Would the President have the power to send the Army or a portion of the Army to Nicaragua even though he knew there was not a dollar in the Treasury; or, to put it in another way, would it be his duty, if he felt that armed troops should be sent to Nicaragua under the Constitution, to protect American lives and property?

Mr. BORAH. That would depend entirely, in my judgment, upon the risk the President was willing to take with reference to compensation for the services rendered by those whom he should send. I can only repeat what I said, that, of course, if we wish to take away from the President the Army or the Navy or the means of sustaining them, we may undoubtedly do so, and the President thereby would be deprived of his power to exercise the authority of command. But if the Army is in existence, if the Navy is in existence, if it is subject to command, he may send it where he will in the discharge of his duty to protect the life and property of American citizens. Undoubtedly he could send it, although the money were not in the Treasury. What the result would be in the future as to appropriations would be another thing. I do not challenge the proposition that by refusing to appropriate, the President may be affected in the exercise of his power to command. The Congress might also refuse to appropriate for the Supreme Court for marshals, but why speculate about fanciful things?

Mr. SHIPSTEAD. Mr. President, may I ask the Senator a further question?

Mr. BORAH. Certainly.

Mr. SHIPSTEAD. A few moments ago there was discussion with reference to depriving the President of his power. Of course, no one can be deprived of power he does not possess. What I would like to have the Senator's opinion on is whether or not the President has the power to enter into an agreement with any foreign government, an agreement of any kind that may lead to war or an act of war on the part of the United States, without first consulting the Congress?

Mr. BORAH. No. I do not think the President has power to make an agreement looking to war or which may logically lead to war without consulting Congress.

Mr. SHIPSTEAD. Does the Senator agree that the violation of the sovereignty of any foreign power is an act of war?

Mr. BORAH. Yes; it is an act of war; but I want to make the distinction that I think it is a fairly established rule of international law, that the sending of troops into a country to protect the life and property of a citizen is not an act of war. It is not regarded as intervention.

Mr. SHIPSTEAD. I agree with the Senator in that and I do not want to take away from the President the power to use the troops to protect American life and property.

Mr. BORAH. The Senator could not take it away from the President even if he wanted to do so. It is a power which belongs to him. We can not take it away from him.

Mr. SHIPSTEAD. But what I am protesting against is his using a power that he does not have.

Mr. BORAH. The only remedies that I know of for that are two: First, the remedy which the people have of electing somebody else as President; and second, the remedy which the Congress has of impeaching him.

Mr. SHIPSTEAD. Does the Senator think any American life or property was at stake in Nicaragua last spring upon the facts as they are known?

Mr. BORAH. It was my view at the time the troops went in that the facts did not justify sending them in. I have not had any reason to change that view. But I do want to say, because I desire to be fair to the President—

Mr. SHIPSTEAD. So do I.

Mr. BORAH. That the facts submitted to the President convinced the President that life and property were in danger, and he was the one who had to judge.

Mr. SHIPSTEAD. And also that the agents of the Soviet Government of Russia and the Government of Mexico were in there working against our interests. The President and Secretary of State so informed the country and the Congress.

Mr. BORAH. Of course the people of Nicaragua had nothing in the world to do with the soviet representatives and the soviet people.

Mr. SHIPSTEAD. Of course not.

Mr. BORAH. I do not suppose there is any country anywhere that has in it as little of communism as there is in those Central American countries. Of course the Senator understands—

Mr. SHIPSTEAD. I understand the Senator's view very well.

Mr. BORAH. The Senator understands that everything nowadays that we do not agree with is called communism or bolshevism.

Mr. SHIPSTEAD. I understand the Senator's point of view. I can not agree with him on the idea that the President has the right to make agreements that Congress at all times is bound to uphold.

Mr. BORAH. Oh, no.

Mr. SHIPSTEAD. I should like to do it, but I can not force myself to do it.

Mr. BORAH. I have not said anything of that kind.

Mr. SHIPSTEAD. I understood the Senator to say in the midst of his closing remarks that, the agreement having been entered into, it must be kept. That in general is a very good policy. The fact, however, that those in charge of the foreign offices of government all over the world having been permitted to pledge their governments to agreements that might lead to war under certain circumstances, has always led to war, or whenever the parties to the agreement have called for fulfillment, as was done at the outbreak of the last World War, on account of secret agreements, countries had to go to war. That is a precedent I do not want the United States Government to establish.

Mr. BORAH. I agree with the Senator upon that proposition. I do not want the President of the United States to establish precedents looking to making agreements which may lead to war. I quite agree with that proposition. But I think the agreement which the President of the United States made in this particular instance was an agreement which was not designed to lead to war, but was an agreement which was

calculated to lead to peace and did lead to peace. So far as the Liberal forces and the Conservative forces of Nicaragua are concerned, the conflict ceased almost immediately after the making of the agreement. The only exception to that really was the Sandino forces, and we could not anticipate that, because Sandino himself had agreed to come into the agreement. We could not anticipate the breaking of the agreement, and neither am I willing, because some other party has broken the agreement, that the United States shall break it.

Mr. President, I ask permission to insert in the *RECORD* some excerpts from documents which I was prevented from reading by reason of interruptions.

Mr. SHIPSTEAD. When we go in to protect life and property it has usually been done in this manner: We tell the two contending forces, "You can not fight here. There is some American property here. There are some American citizens here. You will have to go outside of where those Americans live if you want to fight." Does the Senator think that is sound doctrine from the standpoint of international law?

Mr. BORAH. If the Commander in Chief should in good faith arrive at the conclusion that the best way to protect American life and property was to establish a neutral zone as a matter of military tactics or rather as a matter of Executive tactics, he would undoubtedly have the right to do it.

Mr. SHIPSTEAD. If he had the power to do it.

Mr. BORAH. He has the power to do it if it is confined to the mere protecting of American life and property. So long as he acts purely in the defense of American life and property I think he is well within his rights and is exercising a right which we can not take away from him.

Mr. SHIPSTEAD. Let me suggest an illustration to carry out that idea to its ultimate conclusion. Let us assume that when the two great armies that fought at Gettysburg were about to join in combat, there had been an Englishman running a grocery store and a livery stable between the two contending forces; and suppose the British ambassador had said, "Your armies can not fight here; we are going to establish a neutral zone and protect the property and life of English citizens." That is the policy we have been carrying out in Central America. Does the Senator mean to say that that is a sound policy?

Mr. BORAH. Well, I think under the circumstances stated by the Senator that I would regard the Englishman as taking the chances in that instance.

Mr. SHIPSTEAD. Does the Senator not think he ought to take the chances as a matter of international law?

Mr. BORAH. Yes; he ought to take the chances; but the Senator is now speaking of a condition—

Mr. SHIPSTEAD. I am not speaking facetiously at all.

Mr. BORAH. No; the Senator is not speaking facetiously—not intentionally so—but I think his statement is facetious.

Mr. SHIPSTEAD. Of course, I can not control the Senator's opinion.

Mr. BORAH. Mr. President, I ask in this connection that there may be printed in the *RECORD* the adverse report of the Committee on Foreign Relations on the Senate Joint Resolution 57.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report is as follows:

WITHDRAWAL OF ARMED FORCES FROM NICARAGUA

Mr. BORAH, from the Committee on Foreign Relations, submitted the following adverse report (to accompany S. J. Res. 57):

The Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 57), having considered the same, report the resolution adversely.

The resolution directs the President to withdraw the troops in Nicaragua in the following language:

"That the President be, and he is hereby, requested to immediately withdraw from Nicaragua the armed forces of the United States."

The committee is of the opinion that under the agreement which this Government made with the Nicaraguan Government and with the leaders of the Liberal Party to hold an election in that country and to protect all parties in their rights to a fair election, we can not in justice withdraw our troops at this time. Upon the strength of this agreement to hold an election, the Liberals laid down their arms and not only laid down their arms but surrendered their arms. They intrusted their affairs, both as to elections and as to their safety, to the promise of the United States. To withdraw our troops at this time would not only leave the entire machinery of the election absolutely in the hands of the Conservatives but leave the Liberals helpless to defend themselves or to protect themselves either in the matter of the election or against the violence of their antagonists.

Whatever may be our views with regard to matters transpiring before the agreement and as to the events which led up to the agreement, nevertheless the agreement was made and places an obligation upon

us which we can not at this time escape. The committee would like to see our troops withdrawn from Nicaragua, but can not recommend such action under present circumstances and in view of our solemn agreements. If we can hold a fair election in Nicaragua and then recognize the government resulting from that election, there is reason to hope that we can get out of Nicaragua and stay out. It has been stated that the Liberals constitute 75 or 80 per cent of the people of Nicaragua. It would seem, therefore, that if a fair election is held and the Liberals succeed, the government following such election would have the support of the great majority of the people of Nicaragua. And with the recognition of this government there is a probability of stability. But whatever the future may have in store under the present conditions we are bound to our obligation by an agreement made and upon which agreement practically all the people in Nicaragua are now relying for their protection and for the chance to vote at an orderly and fairly conducted election.

It may be helpful to recall the facts relating to making this agreement. In March, 1927, the President selected Henry L. Stimson as his representative to go to Nicaragua with instructions, if possible, to pacify the situation and bring about an adjustment between the warring factions. Mr. Stimson reached Nicaragua in April, 1927. The two armed forces, those under the direction of the Conservatives and those under the direction of the Liberals, were then engaged in a fierce civil war. After numerous consultations with the leaders of both parties, the Conservatives and the Liberals, an agreement was reached. The substance of this agreement was that the United States would undertake to supervise and conduct a fair election at the time specified in the constitution of Nicaragua, in 1928, and that the armed forces in Nicaragua were to surrender their arms. In the meantime, the United States forces were to remain in Nicaragua for the purpose of keeping the peace, protecting life and property, and policing the election. Mr. Stimson conferred with the leaders not only of the Conservative Party but with the delegation appointed by Doctor Sacasa, which delegation consisted of Dr. Rudolpho Espinosa, Dr. Leonardo Arguello, and Dr. Manuel Cordero Reyes. He also consulted General Moncada, who was in charge, and had been for some time, of the Liberal forces. After conferring with General Moncada, as a result of an understanding between Mr. Stimson and General Moncada, Mr. Stimson addressed to him the following letter:

TIPITAPA, May 4, 1927.

Gen. JOSE MARIA MONCADA,
Tipitapa.

DEAR GENERAL MONCADA: Confirming our conversation of this morning, I have the honor to inform you that I am authorized to say that the President of the United States intends to accept the request of the Nicaraguan Government to supervise the election of 1928; that the retention of President Diaz during the remainder of his term is regarded as essential to that plan and will be insisted upon; that a general disarmament of the country is also regarded as necessary for the proper and successful conduct of such election; and that the forces of the United States will be authorized to accept the custody of the arms of those willing to lay them down, including the Government, and to disarm forcibly those who will not do so.

Very respectfully,

HENRY L. STIMSON.

Thereafter General Moncada consulted with his troops, and his troops raised certain points upon which he sought an expression from Mr. Stimson, whereupon Mr. Stimson addressed him the following letter:

TIPITAPA, NICARAGUA, May 11, 1927.

Gen. JOSE MARIA MONCADA,
Tipitapa.

DEAR GENERAL MONCADA: I am glad to learn of the authority that has been placed in you by your army to arrange for a general disarmament. I am also glad to make clear to you and to your army the attitude of the President of the United States as to this matter. In seeking to terminate this war President Coolidge is actuated only by a desire to benefit the people of Nicaragua and to secure for them a free, fair, and impartial election. He believes that only by such free and fair elections can permanent peace be secured for Nicaragua. To insure this in 1928 he has consented to the request that American representatives selected by him shall supervise the election. He has also consented to assign American officers to train and command a non-partisan national constabulary for Nicaragua which will have the duty of securing such a fair election and of preventing any fraud or intimidation of voters. He is willing also to leave in Nicaragua until after the election a sufficient force of marines to support the work of the constabulary and insure peace and freedom at the election.

As further evidence of the good faith of the American Government and of the present Nicaraguan Government in this matter, I am glad to tell you what has already been done. It will answer the questions contained in the letter of your soldiers which you have shown me. General amnesty has already been granted by the President of Nicaragua. I have recommended to President Diaz that the supreme court be reconstituted by the elimination of the illegal judges placed in that court under Señor Chamorro. President Diaz has already called upon those

judges for their resignations, and I believe that those resignations will be obtained. I have already advised that the Congress be reconstituted by the holding of special elections in those Liberal districts where elections were not held in 1926, under conditions which will insure that the Liberal voters will be amply protected in their rights. I have also recommended that members of Congress illegally expelled by Señor Chamorro whose terms have not yet expired be reinstated. I have been assured that this will be done.

I have recommended that Liberal *jefes políticos* be appointed in the six Liberal districts of Bluefields, Jinotega, Nueva Segovia, Esteli, Chinandega, and Leon. I have been assured that this will be done.

In short, I have recommended that steps be taken so far as possible to restore the political condition as it existed in Nicaragua before the Chamorro coup d'état, and I believe that so far as possible it will be done.

I hope that these steps will assure you and your army of the fairness of the United States Government and its desire to see peace, justice, and freedom reestablished in Nicaragua without any unfairness or favoritism toward any party, but being regardful of the rights of Liberals and Conservatives alike.

Very respectfully yours,

HENRY L. STIMSON.

Upon the receipt of this letter, General Moncada said that the letter was satisfactory to his army, and then General Moncada dictated the following statement:

"The Liberals can not believe that the United States Government through the personal representative of President Coolidge will give a promise which it will not fulfill.

"Once again the Liberals place their confidence in the United States. The leaders of the army will try to convince their men that this promise of fair elections will be fulfilled. The central point which the army wishes to be assured of is that the United States will do its best to give Nicaragua a fair election in 1928."

It will be seen from this statement that General Moncada calls attention that they, the Liberals, "place their confidence in the United States," saying that "the leaders of the army will try to convince their men that this promise of fair elections will be fulfilled." All of Moncada's lieutenants agreed to this except Sandino, who was represented to Mr. Stimson as having promised to join in the settlement, but afterwards refused to do so, and with from 150 to 200 followers started northward toward the Honduras border.

This brief outline leaves no doubt that all parties, in particular the Liberals, gave up their arms, with the exception of Sandino and his men, and relied upon the honor of the United States for their protection and for an opportunity to voice their wishes and sentiments through the ballot box under an election fairly and honorably conducted.

The committee, in reaching a conclusion upon this particular resolution, expresses no opinion and does not wish to be understood as expressing any opinion as to the wisdom or unwisdom of any of the steps taken by our Government in sending troops to Nicaragua or in the recognition of the Diaz Government, or of the constitutional questions which may be involved in this matter. It is of the opinion that our responsibility in Nicaragua at the present time arises out of an agreement full and complete and thoroughly relied upon, which agreement brought about a wholly changed condition and situation. Unfortunate and regrettable as the present situation is in Nicaragua, it seems clear that to remove our forces from Nicaragua, after all that has been said and done, would justly subject us to bitter condemnation throughout all Central and South America, and particularly by the more liberal element, as it would be the liberal element we would betray by our action, to say nothing of the discredit to ourselves and the turmoil and bloodshed which would likely follow.

RECEPTION TO CLARENCE D. CHAMBERLIN, AMERICAN AVIATOR

Mr. CURTIS. Mr. President, Mr. Clarence D. Chamberlin, who was the first aviator to fly across the Atlantic Ocean with a passenger, is in the marble room. I ask unanimous consent that the Senate take a recess for five minutes in order that Senators may meet and greet him.

The VICE PRESIDENT. Without objection, it is so ordered. The Senate will stand in recess for five minutes.

The Senate being in recess, Mr. REED of Pennsylvania escorted Mr. Chamberlin into the Chamber.

The VICE PRESIDENT and Mr. Chamberlin stood in the area near the Secretary's desk, and Mr. REED of Pennsylvania personally presented the Members of the Senate to the distinguished visitor, after which he retired from the Chamber, and the Vice President resumed the chair.

THE FEDERAL FARM LOAN SYSTEM

Mr. BLEASE. Mr. President, I ask unanimous consent to have published in the RECORD certain matter which I send to the desk relative to the Federal farm-loan system.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CANADA AGAIN VOTES AGAINST A SUPERSUBSIDIZED FARM-LOAN SYSTEM SUCH AS WE HAVE IN THE UNITED STATES IN THE FEDERAL FARM-LOAN SYSTEM—OPPOSES POLITICAL CONTROL OF FARMERS' LAND-BANK SYSTEM

On page 5719 of the RECORD, April 2, 1928, was inserted a digest of the recent nation-wide investigation of the Federal farm-loan system and an outline of the many shortcomings of the present political banking system. The Royal Bank of Canada recently awarded a prize of \$1,000 for the best essay by a university student for a paper entitled, "Does Canada need a federal farm-loan system?" The award was made to Dermot A. Davies, of the University of British Columbia, who, after making a comprehensive statement, declared: "Frankly, I do not think that we are immediately justified in organizing a federal farm-loan board for long-term loans."

Mr. Davies puts his finger on the sore spot of the whole system when he says: "Unfortunately for us our conditions, both economic and psychological, are entirely different from those existing in the European countries mentioned. Of the two, it is perhaps the psychological difference which is greatest, so that we can not expect remedies which suited the French or German peasant, with his peculiar temperament, to suit the diverse characteristics of the Canadian farmer."

CONTRARY TO AMERICAN PRINCIPLE

Every contention of those who copied Europe's farm-loan systems, in inaugurating the presently organized Federal farm-loan system, was that it could be adapted to the needs of the United States. Mr. Davies in the above paragraph shows how it is not adaptable to such needs, although capable of performing a great service if placed in the hands of the rightful owners, the farmers who now own the capital stock of the 12 district Federal land banks, and assume the entire liability which safeguards the system.

Mr. Davies also demonstrates the folly of having provided in the farm loan act for the privately capitalized joint-stock land banks, which operate in direct competition with the farmer-owned banks, and which are found exclusively in those fields which are termed "the cream" of the farm-land and farm-loan territory. Mr. Davies writes:

"From a financial point of view it is undeniable that the Federal land banks have paid. They are operating on a 1 per cent basis, and are accumulating a very satisfactory reserve fund. They have also lowered the rate of interest to the farmer. To those who offer the criticism that they are forcing private enterprise out of business a few figures may be of interest. The Federal Loan Board can authorize private individuals with a certain paid-up capital to form joint-stock land banks in any district, in competition with the Federal loan banks.

In 1921:		
21 joint-stock land banks closed 881 loans for a total of		\$9,334,900
12 Federal land banks closed 27,153 loans for a total of		91,029,976
In 1922:		
43 joint-stock land banks closed 15,916 loans for a total of		138,884,779
12 Federal land banks closed 74,055 loans for a total of		224,301,400
In 1926:		
57 joint-stock land banks closed 100,199 loans for a total of		727,748,388
Federal Farm Loan Board closed 409,570 loans for a total of		1,274,855,666

"These figures indicate the early phenomenal growth of the loans made by the joint-stock banks and the subsequent steady growth."

Interesting extracts from Mr. Davies's essay follow:

FAILURES OF THE LAND BANKS TO SERVE FARMERS

"There has been some confusion on the subject of the extension of credit by the land banks. There are those who say that they have failed because they have not made credit easier.

"The Federal Farm Loan Board has also forced the adoption of the amortization scheme for the repayment of loans. This may or may not be a bad policy (there has been much violent controversy on both sides).

"There is one criticism which has been leveled at the banks which is substantially true, and that is that their introduction has not materially altered the number of foreclosures. This criticism has been offered to prove that they are therefore a failure.

"In Canada—and generally speaking for the farmers as a whole—it has been estimated that the farmer's return upon his investment is 4 per cent to 4½ per cent. There are, of course, many who are making a great deal more than that. But the average return may be taken at that figure. With a return so low, it is manifestly impossible for the average farmer to borrow and pay 8 per cent or more. Incidentally, a reduction in the interest rate to even 6 per cent would not enable all the farmers to borrow even if they had the security. It is for this reason that the Federal Farm Loan Board in the United States has failed to materially alter the number of foreclosures.

"A brief glance at the experiences of some of the Provinces in Canada may reveal some information that is helpful. In one particular is this information interesting. That in every Province where the scheme—where operative at all—has proved a burden on the public we find that the largest proportion of the loans have been made for the purpose of clearing previous encumbrances.

"In Ontario, where the idea is considered successful, 47 per cent of the loans have been made for the purchase of new lands.

"In Quebec we have a unique situation due to the unity of nationality, religion, and habits of the people. A condition met with in European countries but nowhere else on the American Continent—on a scale of similar size.

"In British Columbia, certainly, the scheme has been a financial burden on the taxpayer, and here we notice that the majority of the loans have been to clear off previous debts.

"So much for a study of conditions in the past. What, if any, are the conclusions to be drawn? The first is, that any system of government-controlled credits can not be run as a philanthropic enterprise to the detriment of the taxpaying public. It must be on a sound financial basis.

"Frankly, however, I do not think that we are immediately justified in organizing a Federal farm loan board for long-term loans, because the scattered condition of the farmers would not enable it to advance credit in competition with private enterprises at a sufficiently cheap rate to be beneficial to the farmer and yet yield a margin of reserve."

A DUAL SYSTEM OF BANKING

The above statement, made by Mr. Davies, brings home again the error Congress made when it endeavored, by means of a compromise, to erect two distinct systems of banking within the one Federal farm-loan system, namely, the farmer-owned Federal land banks and the privately capitalized joint-stock land bank system, which now threatens to strangle the farmer-owned banks by serious inroads into their territory, and in many States have now more business on the books, and a far better class of business, than the farmer-owned banks enjoy. Too often the Federal land banks have taken a poorer class of loans with the idea of serving the farmer as the act intended, whereas the joint-stock land banks have taken, as above stated, only "the cream" in loans. The following schedule, released by the Federal Farm Loan Bureau, shows a striking comparison, and the reader is urged to compare the loans between the two types of banks in such States as Iowa, where the bankers' banks now hold about \$37,000,000 more loans than does the Federal land bank; in Missouri, where they nearly approach the amount; in Ohio, where they exceed it; as in Illinois, North Carolina:

Statement showing loans closed, segregated by States, by Federal and joint-stock land banks from organization to February 29, 1928

State	Loans closed by Federal land banks		Loans closed by joint-stock land banks	
	Number	Amount	Number	Amount
Maine.....	3,168	\$8,624,350		
New Hampshire.....	659	1,489,175		
Vermont.....	1,379	4,752,300		
Massachusetts.....	1,818	5,320,905		
Rhode Island.....	160	528,750		
Connecticut.....	1,551	5,299,150		
New York.....	8,393	28,486,840	2,559	\$12,554,600
New Jersey.....	1,484	5,876,850	606	2,669,600
Virginia.....	13,043	34,855,833	2,496	13,065,500
Maryland.....	1,224	4,938,900	760	4,768,600
Delaware.....	142	461,100		
Pennsylvania.....	6,828	18,270,300	2,733	10,737,676
West Virginia.....	4,417	8,753,450	2,489	8,184,000
North Carolina.....	12,639	24,757,050	12,929	43,526,000
South Carolina.....	7,687	21,916,760	3,029	16,235,500
Georgia.....	12,476	29,316,935	1,735	9,285,400
Florida.....	4,612	8,975,170		
Tennessee.....	12,086	29,689,200	886	3,908,200
Kentucky.....	10,270	31,946,300	2,518	14,780,800
Indiana.....	14,318	51,689,200	8,400	46,268,884
Ohio.....	7,176	28,088,700	7,196	34,735,850
Alabama.....	25,726	47,770,870	998	6,473,200
Louisiana.....	14,776	36,468,865	70	1,336,700
Mississippi.....	28,054	56,264,820	589	9,683,550
Illinois.....	8,442	48,532,805	9,835	88,173,495
Missouri.....	10,917	37,346,360	4,634	36,702,410
Arkansas.....	16,940	30,158,710	1,739	15,586,300
North Dakota.....	11,442	45,739,100	812	4,764,300
Minnesota.....	11,619	53,900,700	4,976	43,774,725
Wisconsin.....	9,138	36,698,500	1,203	6,222,250
Michigan.....	11,243	30,114,600	2,190	10,135,800
Iowa.....	11,074	90,727,150	10,361	127,634,895
Nebraska.....	10,692	59,484,190	3,997	35,596,990
South Dakota.....	7,355	37,539,250	2,021	17,133,975
Wyoming.....	2,700	8,659,500	755	5,583,000
Kansas.....	11,191	47,066,350	4,585	31,242,700
Oklahoma.....	9,275	25,878,800	1,273	7,076,400
Colorado.....	10,033	30,998,700	1,443	9,710,600
New Mexico.....	5,920	13,119,900		
Texas.....	59,025	171,752,091	13,109	96,650,421
California.....	9,755	39,317,300	2,816	36,826,000
Utah.....	5,740	18,121,900	176	826,100
Nevada.....	404	2,760,500	35	775,700
Arizona.....	1,707	7,144,300	498	3,636,000
Idaho.....	8,063	29,140,395	933	4,408,400
Montana.....	8,966	27,712,590	346	2,076,400
Oregon.....	7,528	25,756,080	1,213	13,822,350
Washington.....	14,187	39,765,770	239	2,565,600
Porto Rico.....	4,047	11,946,500		
Total.....	461,719	1,463,918,114	119,082	839,338,871

Political appointees in the Federal land banks estimate that by the cooperative principle a saving of more than 1½ per cent per annum is possible under the present type of administration of these banks. That would mean that had the loans above listed with joint-stock land banks been placed in Federal land banks the borrowing farmer would have had returned to him in the form of earnings more than \$12,000,000 a year, or 1½ per cent of the total loans of \$839,338,871, which now lines the pockets of the joint-stock land bankers. This is price Congress made the American farmer pay each year as a tribute to their own evasion in sound economic principles at the time the farm loan act was passed in 1916. Many of the former members of the Farm Loan Board, who as members of that board did everything in their power to restrict and wreck the cooperative associations, now officer these joint-stock land banks at fancy salaries—at the expense of farmers.

CALLED THEM ENEMY WITHIN

The president of one of the leading Federal land banks recently advised that he considered the joint-stock land banks "enemies within." He did not wish his name mentioned, for perfectly obvious reasons, but he sees the growing menace of these banks which operate in the best loan territory in direct competition with the farmer-owned banks.

"It is certainly an outrage that these banks, having the tax-free feature of their bonds, are licensed by law to a monopoly of all loans above \$25,000, whereby they are enabled to exact a tribute of 1 per cent or better from the farmer wishing to secure the best loans now being made. It also seems almost criminal to me to allow these banks, which are favored by the Government, to loan money to land speculators who scalp the land for profits, and landlords who rent their land on leases which force the tenants to rob the soil. We have not inherited land problems from the feudal times like the European countries have. Instead of encouraging landlordism in this country, with all its attendant evils, the Government should see that no such condition is permitted to grow up."

A Texas farm-loan agent advises that the "last great mortgage war was between the farmer and selfish mortgage interests, but that the next great war is now at hand, and is between the farmer's loan associations and the agents of the joint-stock land banks." Because the Federal land banks are officered by political appointees, and a resultant slowing-up processes is usual in action (?), this means that the farmer's association representatives are helpless before the competition of private bankers, and this opens a wide field of political activity.

[Extract from New York Times]

SENATOR SMOOT OPPOSES THESE BANKS

Senator REED SMOOT, of Utah, chairman of the Senate Finance Committee, made plain in a recent address in the Chamber that he strongly opposes the joint-stock land banks enjoying tax-exempt bond privileges, and maintains that private capital is taking to itself all the supposed earnings or savings of these bonds, instead of passing this saving to the farmer borrower through such banks.

"Since the joint-stock land banks were created by act of Congress I have never spoken before an audience calling attention to the privileges granted to individuals in this country under that law, but there has been a favorable response immediately against the injustice of the act," Senator SMOOT said.

"What right have we to say to any man in the United States, 'You and four of your friends may organize a joint-stock land bank; you and your friends may put \$1,000,000 capital into it; you and your friends may control it; and the Government of the United States authorizes you to sell tax-exempt securities to the amount of fifteen times \$1,000,000, or \$15,000,000?' The interest received from those \$15,000,000 of bonds is tax free, and so men with large incomes who invest in such bonds are enabled altogether to avoid paying taxes.

"There is a practice going on in the United States to-day that ought to be stopped just as soon as Congress can enact a law for that purpose, for to-day a man can borrow \$10,000,000 and purchase \$10,000,000 worth of tax-exempt securities, the interest upon which, at 5 per cent, is \$500,000 per annum. He can deduct the \$500,000 interest he pays on the loan from his income from any other source and pays no tax upon it. Therefore, he can have an income of \$500,000 from taxable items and never pay a cent of taxes to the Government of the United States.

"The joint-stock land banks are operating in exactly the same territory that the Federal farm banks are operating in; they are in direct competition with them; and I have not any doubt but that the Federal farm bank would have loaned the money that has been loaned by the joint-stock land banks. If the American people knew the circumstances, I do not believe that they would approve of granting to any individuals in the United States that great power.

"I have been in favor of the Federal farm loan bank. I voted for the bill when it was under consideration in the Senate. I called attention then to the joint-stock land bank provision; it was inserted when the bill was before the Senate, and there was mighty little discussion

of it. The only objection that I have had to the whole system, if we are going to have any further tax-exempt securities, is to the power that has been conferred upon individuals through the organization of joint-stock land banks."

The death knell of the joint-stock land banks would be tolled by Senator SMOOT.

LET FARMERS BE THEIR OWN BANKERS—COOPERATIVE FARM-OWNED BANKS WOULD PROVIDE AN IMPROVED FINANCIAL SERVICE FOR AGRICULTURE

By Hon. Myron T. Herrick

The object of the rural credit movement at its start in this country in 1910 was to introduce European methods for long-term and short-term borrowing. They were entirely free from politics and the idea of general social reforms.

Senator CHARLES CURTIS, of Kansas, delivered a speech in the Senate which few persons noticed at the time. But it came to the attention of some agricultural societies of New York which distributed copies, and it is now arousing widespread interest among farmers throughout the East. The reason is that it struck rural credits squarely on the head, and made sparks fly which lit up this much discussed but badly misunderstood subject in a very clear way.

LET FARMERS RUN THEIR OWN BANKS

The occasion for this remarkable little speech was given by an amendment of the farm loan act, which would take the management of the land banks from the farmers. Senator CURTIS contended that this amendment is wrong and that the farmers would be the safest and most efficient managers. The senator's facts, figures, and arguments must convince any reasonable person that he is right, and furthermore, that the farmers likewise should not delay in establishing a system of their own.

Mortgaging farms or other real estate is, as distinguished from banking, an investment business. It takes money of persons who have no uses for it of their own and lends it to others who can use it to their advantage at an agreed interest rate. Mortgaging is available only for persons who have land to offer as security of a value greater by one-half or one-third than the amount of money they want. So it can not help anybody, except one who has already got considerable property through his own unaided efforts. Indeed, mortgaging is down right dangerous unless the farm is large and productive enough to enable the owner promptly to pay the debt and taxes when due, besides making necessary repairs and meeting living expenses of himself and family. Moreover, mortgaging is disliked by banks that are really banks, since its terms are too long to let them turn over their funds repeatedly in the quick way required for substantial profits.

"Banking is easy to learn," says an old adage, "if you know what a mortgage is and let it severely alone." Farmers ought to learn what banking is. They could do this without very hard study if they would view it apart from plateglass windows, gilded walls, and mahogany desks, and keep in mind that its operations are not always represented by the delivery of so much cash. Banking involves the use of comparatively little money. It is mostly a means of creating and utilizing credit, or the confidence inspired by good character and financial standing. Its functions are: First, the receiving of deposits; second, the lending of deposits and funds obtained from shares and other sources, and the buying of negotiable paper by what is called discounting; third, the issuing of notes by a bank on its own credit and other security to circulate in place of money. The Federal reserve banks are the great banks of issue.

The credit a bank uses is chiefly that of its customers, and rests more on good character than on anything else. The proof of this is that few banks would dare to lend to a man with a bad reputation, no matter what security he offered, while many of them have financed honest and competent persons to success who hadn't a dollar to their names. Of course, some farmers are not and never will be credit worthy. But the great majority have the best of characters, with property and wealth-producing power out of which the soundest credit and the highest financial standing could be created.

The banks know all this. Indeed, most of the funds which they own and are using for other industries came from agriculture.

For what would become of the banks if they should be deprived of the annual agricultural production which is represented by paper passing through them, or which has been transferred permanently to them? But the farmers should not wait for them to act. The farmers in the aggregate have accumulated \$60,000,000,000 of wealth. This and their annual income are more than enough to supply their own banking and financial needs, if they should mobilize the credit value of these stupendous resources. But this mobilization can be accomplished only by forming banks of their own.

With such banks the farmers would have first use of the wealth they create, and avoid much of the necessity of mortgaging farms and all the losses coming from forced sales of their crops. Moreover, they would add strength to their already existing associations, and save the interest they now pay in borrowing from outside sources. They would also help all other industries, because the farmers' needs

would be for short terms, in most cases extending no longer than from harvest to harvest, when their returns increased by the resulting improvement would mingle again with the general banking power and swell its volume. Perhaps \$10,000,000,000 would have been added to this power if the American farmers in their organizations, splendid though some of them are, had not done the very reverse of what the best cooperative farmers in other countries did, who began by forming banks.

A cooperative bank is an incorporated body owned and managed by members and that confines its credit facilities to them. I wish I had space to describe the indivisible reserve and the other wonderful provisions that assure absolute safety and fairness. But the first thing is that the form must be purely associational. That is to say, there should be no shares; or if these be issued, they must be withdrawable, so that any member may retire at will or be expelled by the majority and his money returned. The next thing is that there must be a system which as it grew would have local, regional, State, and district banks and a great bank at the top. The local banks, which peg the system to the soil, would be without shares or limit to liability. The others might be just the reverse. All would be bound together by unions and a federation, and not only would help individual farmers but would also finance agricultural enterprises from the smallest to the largest scale.

In Germany the farmers have bound themselves together in systems embracing three degrees of organization, through which they conduct not only their commercial, industrial, and financial affairs but also their social relations. The first is the local group, consisting either of one bank with trading features or of a bank and affiliated societies. The second is the provincial organization, consisting of adhering local groups, a central bank, and central associations held together by a union. The third is the imperial organization, consisting of adhering central banks and associations and unions and a national bank and national associations held together by a federation.

This structure rests upon the local banks, which all are of the associational form. That is, they depend upon the collective liability, limited or unlimited, of members for obtaining resources and as a guaranty for their operations. Nobody is admitted unless he has taxable property, or at least a character or standing vouched for by members. The result of this eclectic membership is that the credit of a German local bank is so high that it attracts from its neighborhood a volume of deposits sufficient for its daily transactions and as much more besides as is necessary to invest in the stocks and bonds of the associations higher up. For this latter purpose some of the local associations raise funds by issuing and selling shares in the nature of certificates of long-time deposits, payable either at once or in installments.

But the growing tendency of the local bank is to eliminate capital stock, whether fixed or variable, so as to avoid dividends and maintain their true character as neighborhood clubs of 100 or more mutual acquaintances or friends. The profits all go to the reserve. This is their only permanent fund. It is indivisible. It does not belong absolutely either to the members or to the bank. In the event of dissolution it reverts to the province, to be held for a new bank in the same locality. Some of these funds now are very large. Their presence as foundations scattered throughout the country has contributed greatly to stabilizing the rural population. Since the reserve serves not only as a guaranty but also for a working fund, it takes the place of a capital stock. When its size becomes sufficient for these purposes the bank reduces its profit takings. The aim of a bank is not gain, but to save members costs and expenses of obtaining loans and supplies.

In a country as great as the United States there is room for a number of agricultural systems, and each would embrace five degrees—local, regional, State, departmental organizations. Such systematization of agriculture, based upon local cooperative banks, would enable farmers to utilize all their stupendous collective wealth as a mobilized resource for the benefit of themselves individually and agriculture generally.

[Extract from address by Robert E. Lee Saner, before the annual session of the American Bar Association]

[NOTE.—With the United States at present engaged in operating, with the sanction of Congress, a supersubsidized political farm-loan system, such as found only in Russia, the address of Mr. Saner would prove helpful in revealing to many who have not hitherto appreciated what Russianization of our principles may lead to.]

AMERICA—"STOP, LOOK, LISTEN"

Where railroads cross highways there are signs which read, "Stop, look, listen!" It would be well for our people and their Representatives in our Government to follow that admonition now: To stop and take account of our national strength and our national weaknesses; to look calmly and judiciously, without passion and prejudice, at the momentous changes that have arisen out of the World War—political, social, and economic—fanned in this day to a fever heat by self-seeking politicians, demagogues, socialists, and communists; to listen, not to the words of the traitorous, the querulous, the visionaries, the demagogues, but rather to those of the living and the dead, who through the exercise

of patience, courage, loyalty, industry, thrift, and resourcefulness have made this Republic what it is to-day. * * *

My subject might be translated in the form of a quotation from Scripture: "Remove not the ancient landmark which thy fathers have set." It might be said that we have many "landmarks" or guideposts in our wonderful history, but I think we properly may name as the point, both of convergence and divergence, the basic law of our Nation as embodied in the Constitution of the United States. This was a "landmark," indeed, not only in the history of the American Continent, but in the history of the world. It represented the "landmark" toward which all previous efforts for a larger freedom and a better Government had converged and from which all our subsequent history in the marvelous development of America had resulted. Emerging from the oppression and darkness of the Middle Ages a few brave, outstanding spirits—the Huguenots, the Cavaliers, the Pilgrims—sought refuge in this country and eventually founded a government under a written Constitution.

That Constitution is the "ancient landmark which our fathers have set" and which I here and now plead shall not be removed. I reflect, with sentiments of profound admiration, upon the personnel of that little body of big men who drafted our Constitution. There in hot and unpleasant surroundings they worked through the long summer months of 1787, with but one thought in their minds—the welfare of their country. * * * When political expediency raised its brazen head, suggesting a clause that would command the plaudits of the crowd, the great Washington said: "If to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair. The event is in the hands of God."

It is well for us in this generation to hark back to that memorable time. Verily there were giants in those days, Titan souls that dowered their country with the legacy of liberty in thought and word and deed.

To those who have studied the history of the genesis and development of the Constitution it is needless here to say that never in the wildest debates that preceded its adoption did its founders dream of establishing on this American Continent a democracy or a democratic form of government. The thought and purpose of those great men was to establish a republic, and a republic was established.

There is as much difference between a republic and a democracy as there is between day and night, and when one speaks of a "representative democracy" he might as well speak of a healthful sickness or a truthful fisherman or an honest golf player.

The men who made the Constitution, even as small and restricted as this country was at that time, wisely foresaw that, with its diversity in population and with the possibility of its unparalleled extension geographically, the theory of pure democracy would not make for either a safe or a suitable form of government. They therefore ordained under the Constitution, which for the first 120 years of the life of this Nation, proved its wisdom and worth, that the only form of government on the one hand safely to swerve from tyranny and on the other hand from mobocracy was a form of government wherein the people, not as individuals but through their representatives chosen for their wisdom, their knowledge, their sincerity, and patriotism, should control that government. That was the conception of the fathers, and that was the form of government under which this Nation became both great and powerful.

AGE OF FEDERAL ENCROACHMENT

It was not until this present generation, when descendants of these sturdy pioneers had learned to live in fattened and complacent ease upon the wealth and the security and the safety bought for them by the blood and the sacrifice of their forefathers, that the idealists, the doctrinaires, and the demagogues became an established institution in our national life and evolved a new theory of government for the American people. The age through which we now are going may well be termed the age of constitutional amendments and Federal encroachment, encroachment upon the rights and powers of both the States of this Republic and its individual citizens.

It is the age of political quacks and political quackery, and any ambitious politician who desires to attract the attention of the discontented, to appeal to the resentment of the failures, and to flatter the sinister ambitions of those men and women who desire, above all other things, to see the American form of government and the American Constitution overthrown.

BLOCS AND BULLDOZERS

And so to-day we have in this country paternalism run mad. We no longer are a united, homogeneous people; we no longer legislate and plan for the welfare and the benefit of the American people as a whole Nation. We now are confronted by "blocs," which means nothing more or less than a sinister kindling of the flames of class consciousness and an attempt by ambitious and weasel-minded demagogues to divide the citizens of this Nation against themselves. We have the uplifters' bloc, the farm bloc, the militant feminist bloc, the labor bloc, the wet bloc, the dry bloc, and so on ad infinitum, each of them combining a minority for their own self-interest, under the marshalship of highly paid professional bulldozers and reformers, not for the purpose of working for the welfare of the American people but for the purpose

of gaining for themselves some selfish and unfair advantage over their neighbors and their fellow citizens.

Not only is Constitution tinkering the leading outdoor sport with the typical politician to-day, but hand in hand with it goes the steadily increasing encroachment of the Federal Government upon the rights of the Commonwealths and the individuals who are citizens of those Commonwealths.

Now, if the Constitution creates so perfect a Government as we who love it contend, how is it possible for this situation to exist? Our Government, unlike all other governments of the world, emanates from the people. It is the people who made it, and likewise the repository of its immortal continuity rests in the people. In the Constitution itself and in the tradition which surrounds its creation and which has maintained it throughout the years the repository of legislative and executive power is vested in representatives of the people, chosen by the people.

It manifestly is impossible for these representatives to know what the thousands of people who selected them desire, and it was the theory of the fathers, which in the early days of the Republic was the practice, that representatives should be chosen for their integrity, their ability, and their mental and moral qualifications, so that when a question was presented for their solution the people might be protected by the well-considered conclusions of men selected for these qualifications in whom their confidence was placed.

This theory of the fathers is no longer the practice. To-day most of the representatives of the people have their ears to the ground in an effort to find what a majority of those who vote for them in the forthcoming elections may desire, and their vote and action upon questions of governmental policy are governed accordingly.

Propaganda, seeking governmental action, no longer consists of facts and figures that appeal to the reason, but of much clamor and of volume, which evidence themselves in organized propaganda and concerted petition. It is apparent in any consideration of the tendency of the times that a minority well organized may by telegrams and letters and petitions and personal appeal overcome the manifest good of the people when that good is backed by a dormant majority. The solution, then, of good government no longer reposes in the representatives of the people as now practiced, but in the reviving of a sense of personal responsibility to the Government on the part of the individuals who compose that Government. My appeal is now and continuously has been for an awakening of this spirit among the people as individuals, to the end that every citizen shall recognize his duty to his country as paramount to the demands of any party, bloc, or clique to which he merely formally pledges allegiance.

One asks the Government to take over the transportation of the country; another asks that he be given a subsidy; a third that he be granted a guaranteed loan at a lower rate of interest than his neighbor can get; the fanatic asks that the morals of this entire Nation be placed in the hands of a bureau in the city of Washington; and the bigot asks that the tastes, efforts, habits, thoughts, and ambitions of his neighbor be standardized and controlled by law. * * *

It is time to call a halt; it is time to get back to the beginning of things; back to the fundamentals; back to the real sources of our strength; back to the Republic that the fathers so wisely conceived and so successfully instituted; back to a government of the whole people, by the whole people, and for the whole people. Day by day and year by year, gradually and insidiously, through constitutional amendments and Federal encroachment, the form of this Government of ours is being changed from that Republic into a political and hysterical chaos whose final terms are expressed in the unspeakable Russia of to-day.

THEODORE ROOSEVELT ON FARM FINANCE

We can not permanently shape our course right on any international issue unless we are sound on the domestic issues; and this farm movement is the fundamental social issue, the one issue which is even more basic than the relations of capitalist and workingman. The farm industry can not stop; the world is never more than a year from starvation; this Great War has immensely increased the cost of living without commensurately improving the condition of the men who produce the things on which we live. Even in this country the situation has become grave.

Our object must be (1) to make the tenant farmer a landowner; (2) to eliminate as far as possible the conditions which produce the shifting, seasonal tramp type of labor and to give the farm laborer a permanent status, a career as a farmer, for which his school education shall fit him and which shall open to him the chance of in the end earning the ownership in fee of his own farm; (3) to secure cooperation among the small landowners, so that their energies shall produce the best possible results; (4) by progressive taxation or in other fashion to break up and prevent the formation of great landed estates, especially in so far as they consist of unused agricultural land; (5) to make capital available for the farmers, and thereby put them more on an equality with other men engaged in business; (6) to care for the woman on the farm as much as for the man, and to eliminate the conditions which now so often tend to make her life one of gray and sterile drudgery;

(7) to do this primarily through the farmer himself, but also, when necessary, by the use of the entire collective power of the people of the country; for the welfare of the farmer is the concern of all of us.

Lack of capital on the part of the farmer inevitably means soil exhaustion and therefore diminished production. The farmer who is to prosper must have capital; only the prosperous can really meet the needs of the consumer; and in this, as in every other kind of honest business, the only proper basis of success is benefit to both buyer and seller, producer and consumer.

[Extract of address delivered in United States Senate Chamber at the time the first endeavor was made to permanently take away from the American farmer owners of the 12 Federal land banks, their property rights to control their own land-bank system, the capitalization of which they now own, the entire liabilities of which they assume, but which are now completely dominated by the Republican politicians, who secured control during the Harding administration, which has further been reinforced during the Coolidge administration, with men on the Farm Loan Board whose confirmation by the Senate was opposed by leading farm-organization leaders. Senator CURTIS's plea for farmer management is even more pertinent to-day than when this address was delivered several years ago, for to-day the system is suffering from political domination, with characteristic resultant weakening of the system].

LET FARMERS OPERATE THE LAND BANKS

By Senator CHARLES CURTIS, of Kansas

Under the syndicate arrangement adopted for selling farm-loan bonds it looks as if brokers get the premiums and that the land banks are getting no particular advantage from the tax exemptions of their securities. Would it not, therefore, be better to let the farmers themselves manage these banks exactly as the law intends? The only change necessary for this would be to give the farmers the entire responsibility for the system and oblige them to operate on their own unquestionably good credit.

This is the secret of the soundness and success of innumerable borrowers' banks of various kinds, among which failures are rarer than among ordinary banks. The 65,000 cooperative credit societies, with 15,000,000 members and \$7,000,000,000 of annual business in the world, are based on this idea of using their own credit and of imposing upon members a liability that is either unlimited or else severe enough to be felt. The cooperative bank with unlimited or limited liability has proved its worth wherever tried, in country, town, or city, for encouraging thrift and extending credit in large or small amounts.

The same idea prevails in all true building and loan associations among the 7,269 with 3,858,612 members and \$1,769,142,175 assets in the United States. Any member getting a loan must subscribe for shares up to its full amount. His payments are made not on the mortgage but on the shares. When the shares mature he may turn them in and have his debt canceled. The maturing of the shares depends upon his payments and also upon the association's profit and loss. All his credits could be wiped out by a loss, consequently he is liable to the full amount of his mortgage. Profits would hasten the extinction of his debt; and so he is as deeply interested as are nonborrowing members. As a result these associations can operate even on savings with safety, although the borrowers participate in the management.

The landschafts, started 150 years ago, are composed entirely of borrowers. They now number 23 with about \$1,000,000,000 of bonds, and none of them ever defaulted an obligation. The borrowers elect all the officers and appraisers, every one of whom must also be a borrower. The borrowers' payments go into a sinking fund, in which the cash on hand, together with the unpaid principal of the loans, must equal outstanding bonds. If this fund becomes impaired in the old landschafts, any member may be assessed without limit for the deficiency. In some of the newer landschafts the liability is limited to the mortgage or some portion of it. But the basic idea in all is that the borrowers have the direct management, use their own credit, and assume liability large enough to be felt.

Nearly all American districts established under State laws for sanitary, mining, or agricultural drainage embody landschaft features. Their bonded indebtedness amounts to millions of dollars. The bonds are not instruments of the State or Federal Government. They are obligations only of the districts. But through the district's right to levy assessments they are secured by the collective ability of the owners of the benefited property and so are easily marketed at reasonable interest rates, although these beneficiaries of the issue also elect the managers.

With these successful instances of borrowers' banks here and in foreign countries, Congress should not hesitate or delay in placing the Federal land banks under the management and the responsibility of the farmers. By so doing the farmers, and not rich investors, would get the advantage of all premiums on the bonds.

[On page 4554 of the RECORD, March 12, 1928, was printed the exposure of the methods adopted by the Federal farm-loan system in foreclosure of mortgages of members of the Federal land banks, and how

attorneys, acting for the banks, as employees of the system, were, contrary to the act, charging commissions which were a real hardship to the farmers, resulting in piling up, in the aggregate, millions of dollars a year in unnecessary extortion against the helpless farmer. Other data and documentary evidence is now available for the committee to consider. Below is printed an extract from the New York Times showing that leaders appreciate that there is a real necessity for a uniform mortgage act, and it is a notable fact that not one of the men back of this movement to relieve the people is identified with the Federal farm-loan system. This demonstrates fully that if any reform measure is expected to relieve farmers it must, of necessity, originate outside the "friends of the farmer" within the folds of that system.]

UNIFORM MORTGAGE ACT NEEDED

Do you know that the mortgage laws vary in different States, as to foreclosure, from a practical forfeiture of the mortgaged lands in 20 days after the mortgage is due (in Massachusetts, Rhode Island, Virginia, West Virginia, Tennessee, Mississippi, Texas, and Missouri) to a period of a year for redemption after foreclosure begins (in some 19 States) and even a much longer time in a few States. Are your borrowing farmers faring as well as those in the most favored States, borrowing money on mortgages? If not, are they not entitled to a favorable mortgage law?

In some States it costs from two to four times as much to foreclose a mortgage as in other States, due to expensive complicated court procedure and failure to limit attorneys' fees by statute. The borrower has this sum to pay if he redeems, and in any case it is a tax on the mortgage business.

The commissioners on uniform State laws are framing a uniform mortgage law designed to standardize and simplify mortgages and their foreclosure, give the borrower a fair time for saving his lands after default, and reduce the expenses of foreclosure. It provides for foreclosure by sheriff's sale on notice, without going into court and incurring the expenses of a lawsuit, except where the mortgage is contested. It provides for a period to redeem after the sale, during which the mortgagor has possession, and other safeguards. It also provides a standard short-form mortgage, the use of which is optional.

Such an act should increase the marketability of mortgages in other States and tend to lower the rate of interest. The present diversity among the States in the form of the mortgage and the procedure to foreclose interferes greatly with placing the mortgages with investors.

Three drafts of the act have already been before the conference. This uniform act to have the indorsement of the conference must be approved by commissioners from all the States, and therefore the attitude of your commissioners on this act is important. Will you inform them as to your attitude on this subject? If the laws in States of your patrons are not as favorable as in the most progressive States, you can materially help in shaping the proposed uniform act to that end and can help get a progressive up-to-date uniform mortgage act adopted.

We wish to learn the borrower's point of view. We have no difficulty in getting that of the loaner, but have much difficulty in getting that of the borrower. You may have valuable suggestions as to how the uniform act could aid the farmer by ameliorating the effect of foreclosures, and we should be glad of these suggestions.

Do "real-estate sharks" thrive under your mortgage system and does your mortgage system incubate "land sharks"? If so, you are interested in our mortgage act. There is not a State from which we do not get reports that their mortgage laws work well, even those States where foreclosure is a practical forfeiture. We would like to reach the borrower who has only 20 days to raise the money and redeem.

These uniform acts are framed by the National Conference of Commissioners on Uniform State Laws (made up of three commissioners from each State), affiliated with the American Bar Association. The conference has put out the uniform negotiable instruments act.

[The following extracts from an address by the eminent author and student of economy, Charles Frederick Carter, throw light on what we may expect as a result of Congress turning the farmers' Federal land-bank system over to the politicians to rule. Just replace the word "railroad" by the use of "land banks" and you have a striking picture of the present condition of this banking system as pictured by Mr. Carter for the railroads and other privately owned business enterprises.]

SWAT THE DEMAGOGUE

"The fantastic schemes are nothing more than variations on hallucinations that have run their course in the past.

"If all the fool laws which benefit neither the public nor the railroads were repealed, and railroads permitted to conduct their affairs according to the dictates of common sense, it is my firm belief that they could pay an extra dividend out of half the savings thus made possible and give the public a reduction in rates of the other half.

"Emulating the historic example of the nine tailors of Toley Street, an equally illustrious assemblage consecrates itself to the high purpose of imposing government ownership of railroads by the simple expedient of bankrupting them first.

"When the railroads are safe within the socialistic fold, street railways will follow, then the coal mines, then all other private property, until we have attained the state of perfect bliss as yet existing only in Russia. The next step, I suppose, will be to shoot everybody with sense enough to come in when it rains with ammunition furnished free by the Government, just as has been done in Russia.

"If they only can make noise enough, these radicals will succeed; for noise rather than wisdom seems to be increasingly shaping our course. And let me repeat that the noise-making art has advanced far since the first locomotive with a whistle tooted its way into the hearts of the citizens.

"Permit me to propose a slogan for the struggle with the dark forces of discontent. It is this:

"Swat the demagogue!"

(Much criticism has been piled upon the heads of the Farm Loan Bureau because of the methods, questionable, to place a mantle of charity over them, whereby, under the guise of making "examinations" of national farm-loan associations and joint-stock land banks, their political appointees have employed "blackjack" methods to political ends, crushing any individual who endeavored to exercise their American rights but who, unfortunately, thought and acted contrary to the spirit of the all-highest. The following editorial appearing in Good Business alludes to this custom and shows that the American courts have declared such practices unconstitutional, but it seems a crime that the courts should find it necessary to protect the people from the inroads of bureaucrats established by Congress:)

A BLOW AT SNOOPERS

Professional investigators—"snoopers"—who were getting so thick around Washington that they were forced to wear badges to keep from investigating one another, recently received a jolt which may shake some of them loose from their soft jobs. For two United States district courts have ruled that the Federal Trade Commission had no constitutional right to indiscriminate examination of the books of corporations and individuals, as it is expressly contrary to the spirit of the fourth amendment to the Federal Constitution. These decisions are of wider interpretation than at first may seem evident, and may put a stop to the horde of traveling inspectors going up and down the land, whose total number surpasses Coxe's army of a generation ago, and who depend solely upon the taxpayer for salary expenses.

The seriousness of this blow to political officeholders is apparent when we recall that there are some 40,000 of them connected with the various commissions, bureaus, and investigating committees which Congress has set up to perform its own work. Most of these have come into being in the past decade. Establishing new bureaus and commissions has become the favorite indoor sport of Congress. Usually a very nominal sum is appropriated from the Treasury to cover the first cost. The next annual appropriation is much larger for these former baby bodies, and before we know it the bureau or commission has become a permanent wart on the body politic, and our Federal Government is rapidly degenerating into a mere functioning of bureaus. In short, we are becoming a bureaucracy, face to face with a serious proposition.

The business men who took the case of these "snoopers" into open court and defeated them have performed a distinct public duty, which gives them claim to being patriots. They have successfully resisted the inquisition of petty politicians hampering private enterprise. Their example and leadership should have wide adoption in every branch of business, and each new encroachment on personal right should be fought to a finish.

These 40,000 investigators almost invariably approach a business concern or institution with the preconceived idea that such firm is guilty of unethical methods, if not actual violation of the law—as viewed by said political officeholder. We all know that no business is operated that way, in spite of the outpouring of demagogues to the contrary. Business is inherently honest. There is no reason why the burden of proof should be upon it. However, if any business, institution, or individual is crooked, it is for the properly constituted officials to bring it to book, prove its guilt, and put it out of business or in jail where it belongs. It certainly is not just or American for any investigator to make a partial examination of the case, send propaganda to the four winds, to the detriment of the business, institution, or individual, as these political officeholders have done in hundreds of cases, without first giving the party accused opportunity of going before an impartial court of justice and answering charges.

We no longer have a place in America for the demagogue or the commission, bureau, or self-appointed, self-anointed, which assumes that success and crookedness necessarily go hand in hand, just because they do not happen to parallel the narrow, preconceived ideas of politician appointees. America has forged to her present leading position only because individual initiative has been given full rein. Her failure in the future will result if outside hampering and hamstringing is allowed to continue.

WHAT CRIMES, OH, WHAT CRIMES!

Farmer, O farmer, what crimes are being committed in your name! Every man with a half-baked idea is seeking to exploit it as something

good for the farmers, yet most of those so insistent their plans be adopted do not know a plow from a Plymouth Rock rooster, truthfully advises the Mountain States banker. But it is popular. The farmer knows something happened to him. He knows by looking at his pocket-book and his bank account—or the lack of a bank account. In this, however, he is not alone. With an era of wild speculation during the war such as the world has never before known, it was but natural when that magnificent bubble was pricked the fall was going to hurt a whole lot. Few cared to profit by the experience of those who had gone through bubbles in the past. And those who refused to so profit got burned and the thing hurts yet.

But you do not cure a burn or ease the pain by putting salt on it. Those who are to-day seeking limelight with their schemes to aid the farmers care no more about the farmers than they do about the Hot-tentots of Africa, save as their cries will bring voting support to them.

The real friends of the farmers—the real friends of all the people—have been on the job right along, making no noise, demanding no fancy socialistic legislation, urging no radical changes in the Constitution, and seeking no limelight.

The farmers and the business men, the wage earners and all others must realize that the fellow with the hot air and the magnificent cargo of promises is not their friend.

What surer highway to prosperity than for each to see to it that his own work is done more expeditiously and at the same time more thoroughly? What better method can be found of quieting unrest than for each one to cease envying the other fellow? Why attempt to escape the particular vocation in which one now may be engaged? It is better to set about making it a permanent, profitable employment—whether it be office, shop, factory, or farm.

Neither you nor I can settle these things for the whole country, for our neighbors, or for anyone but ourselves. We can, however, as individuals lay hold upon those fundamental principles of life and by our daily work and conduct do our share in correcting the situation.

It can not be done by agitation, publicity, politics, or pessimism, but will be accomplished by common sense, industry, and frugality.

"THE THOROUGHbred," A DEFINITION WITH COMMENT BY JUDGE STONE, OF WYOMING

(Copyrighted by V. H. Stone)

Place our great utilities under Government ownership and you kill all incentive to excel, to use initiative, to develop ambition, invention, individualism; you create an army of time-servers, chair-warmers, clock-watchers. Did anyone with a secure position, drawing a regular salary and knowing that he could not be fired for indifference, carelessness, laziness, impudence, or inattention, without going through a red-tape performance that would wear out the stoutest-hearted citizen and leave his complaint unsettled until he died of senile debility, ever invent any useful or labor-saving device, ever advance any new idea, ever accomplish anything for the betterment of mankind? No.

These things have been accomplished by men and women who counted their days not by the hour hand on the clock, but by the results they obtain; men and women with a goal to be reached, a prize to attain, a reward to be earned; men and women who burned the midnight oil. If I am ready and willing to work 12 hours a day, and do work 12 hours a day, it is none of your business. If you are willing to work only 6 hours a day and work but 6 hours a day, it is none of my business; but if I work 12 hours a day and you work but 6 hours a day it is none of your business if my wife and children wear better clothes, eat better food, and live in a better house than your wife and children.

Permit me to quote just a few words written by that student of human nature, that most brilliant Democrat this country ever produced—Henry Watterson—who said, "Individualism was the discovery of the fathers of the American Republic. It is the bedrock of American philosophy."

There is a class of people who have made a failure of life from every standpoint, who imagine that they discovered a cure-all for all the ills with which the body politic is threatened or afflicted. Armed with a Utopian pipe dream, a magnificent set of lungs, and a pair of iron jaws, they preach a doctrine that would tear down those institutions which we have been building up in this country for 300 years.

Whenever you so build the laws of a people that there is no incentive to excel, no reward held out for individual initiative, no prize offered for thrift, industry, and economy, no object to be attained by doing things better than others do them, then you have cut the taproot through which flows the lifeblood of progress, advancement, initiative, invention, individual effort, and competition, and have settled back to a dead level of sameness and stagnation that is incapable of making any material progress in social, physical, mental, or material matters; you have produced a commn herd of scrubs.

The thoroughbred is produced by careful thought, persistent effort, thorough training; by a desire to excel, to be in the forefront, to rise above the dead level of mediocrity. The thoroughbred wants to do better to-morrow than he did to-day; to accomplish more next year than he did this year. The thoroughbred is willing to take a high leap, even though he knock off the top rail of the barrier and come a cropper.

The scrub walks up to the barrier, takes a look, and says that it is too high; that it is useless to try; he has not the nerve to make an effort; he settles back into the pasture which is inclosed by the barrier and where the feed is short, tough, and dry, and drags out a miserable existence on poor feed, poor shelter, and poor care. His eye grows lack-luster, his coat poor and scanty, his ribs push through his hide. He curses his luck and bemoans his hard fate and the lack of those things which he says the world owes him.

The thoroughbred has been willing to pay the price; he has denied himself; he has disciplined himself; he has worked while the scrub slept; he has sweated while the scrub lay in the shade; he has kept his muscles free and supple by grilling work and constant use; he has exercised his initiative, his invention, his pluck, his perseverance, his tenacity; he has fitted himself to succeed; he succeeds; he sails over the barrier like a bird into a pasture where the feed is sweet and tender, the water pure and cool, the shade of the forest of success restful and invigorating.

The scrub looks through the slits in the barrier at the thoroughbred, up to his knees in luxury and grass, whose eye sparkles, whose coat shines with a silken sheen, ribs are covered with sufficient meat to hide his bones. His eye shines with a malevolent light. The scrub says to himself, "It is unjust, unfair, inequitable; there is something wrong with a world that permits such conditions to exist."

And immediately the scrub sets about to devise ways and means, not to fit himself to clear the barrier, not to put himself in a condition where he can by his own effort acquire that which he desires, but to either hamstring the thoroughbred who, by his pluck, perseverance, and tenacity, his willingness to "pay with the body for the soul's desire," has reached his goal, or to destroy the pasture in which the thoroughbred is enjoying the fruit of his endeavor.

The thoroughbred recognizes that in order to be, he must do. The scrub refuses to do, and then curses the rest of the world because he can not be. There is an abundance of feed and water and shelter in the thoroughbred pasture for all.

The thoroughbred never quits while the heart beats, and the lungs perform their function. The scrub quits when he gets tired, and, if given the quirt and steel, lies down with the saddle on.

Be a thoroughbred; don't be a whiner. Try the barrier. If you knock the top rail off or the two top rails, keep on trying; keep on using your pluck, your perseverance, your tenacity, your individualism. Be a thoroughbred or die a-trying. I'd rather really live while I live, and die at 30, a thoroughbred, than be a scrub Methuselah.

[Extract from address by Edson S. Lott, of New York City]

THE MAD WATERS OF SOCIALISM—THE PRICE OF LETTING THE GOVERNMENT RUN THE PEOPLE'S BUSINESS—FEDERAL FARM LOAN SYSTEM IS STRIKING ILLUSTRATION

The present greatness and power of the United States of America are due to the free play allowed under our Government to the initiative, the enterprise, the ambition, and the thrift of its individual citizens.

Our Government has prospered because its individual citizens have prospered. They have prospered because the Government has protected them in their rights to the fruits of their industry and enterprise.

"In all its history" our Government "has trodden down no man's liberty," said Daniel Webster in the Senate of the United States on March 7, 1850.

Within a few months the New York Times said:

"Property and profits are the mainspring of human activities."

This is an individualistic country, thank God. It is a country where superior intelligence along any line of human endeavor, the knowledge properly to apply it, the ambition to make use of it, and sufficient health and grit to keep everlastingly at it, always win individual fame or fortune—frequently both. This very fact is hateful to those socialists and communists who would jackplane all our citizens down to a common level.

There are many brands and breeds of socialists and communists. No one, not even one of themselves, seems to understand the superfine distinctions which mark the differences between them. But there is a common ground for all of them. They all hate, loathe, and spit upon the "capitalistic system."

The opportunity for personal gain through individual effort has developed in this country a citizenship that in turn has made ours the most free and the most powerful among the nations—a country that our socialistic and communistic friends are loath to leave, even when imperatively invited to do so by our Government. Yet of late there has been a tendency on the part of our lawmakers to curtail individual opportunity by placing our Government in competition with its citizens or by actually taking away altogether such opportunity in certain enterprises. This is clearly socialistic to the extent of removing the reward which belongs to individual effort.

EX OFFICIO CHAIRMAN OF FARM LOAN BOARD CONDEMNS GOVERNMENT DOMINATION OF PRIVATE PROPERTY RIGHTS

On December 22 Secretary of the Treasury Mellon wrote the Outlook:

"The most noteworthy characteristic of the American people is their initiative. It is this spirit which has developed America. * * * If

this spirit of business adventure is killed this country will cease to hold the foremost position in the world."

The New York Sun says:

"The touch of the Government in business is the touch of death."

When the State goes into business generally and conducts all commercial enterprises, who will pay the cost of carrying on the State's own functions? The State can not conduct all commercial enterprises without crushing all individualism; and by doing that very thing it would dry up the sources of supply needed to sustain its own power.

You believe that the function of the Government is to regulate but never to engage in business, and that whenever it attempts to engage in business it violates a vital and fundamental principle of our Republic.

So, believing, you should constantly combat the efforts of the socialists to put our States into business in competition with their citizens.

You should not wait until the socialists get around to your particular business.

[Extract from editorial appearing in Sunday New York Times, April 15, 1928]

SHALL WE GOVERN OURSELVES?

In an article in Scribner's Governor Ritchie repeats his familiar and mostly sound arguments against "centralization" and in favor of State rights. As a result of "centralization" and "bureaucracy" we are monstrously overgoverned and government tends to become "more arbitrary and remote and different from what the people think it is until self-government and 'consent of the governed' become political myths." If by "consent of the governed" is meant consent of the majority of the governed, that did not come about generally till somewhere about 1830, and in some States not till later. We were a long time in reaching manhood suffrage and a good deal longer in reaching woman suffrage.

Not till our own time, too, have our laws been made by a Congress both branches of which spring "directly from the people." If there has been encroachment on the rights of States and one constitutional amendment has gone to join two others in the limbo of the ineffectual, it is "the people," at least enough of that mysterious entity represented in Congress and the State legislatures, that is to blame. According to Mr. Ritchie, the Jeffersonians and the Hamiltonians are still divided as Republicans and Democrats on centralization or decentralization: "One strong for the people and the other strong for 'the Government.'" As a matter of fact, what microscope can discern the breadth of a hair line between the two? The eighteenth amendment should close Democratic mouths on this subject.

As to bureaucracy, it is attained in its most offensive form under monarchies and despotisms. It is inherited in France. Many Englishmen complain of its arbitrariness in England. Here it simply means too many officeholders, too many commissions, bureaus, and what not. The hammerers of bureaucracy are frequently found voting for more of it. The same tendency exists in the States. It may be true that, what with uplifting, logrolling, class-vote hunting, "our Government becomes steadily the most costly, wasteful, and extravagant on earth"; but there is money to burn. When "the people" feel poor they may want something done about bureaucracy. That plan for the reorganization of departments which Congress is so shy of may be rammed down the throats of their Representatives in Congress.

"A minimum of control" by the Government might make us sigh for the simple days when Jefferson wanted a constitutional amendment forbidding the Federal Government to contract loans—a proposition which would have been somewhat embarrassing to Mr. Gallatin when the Louisiana Purchase had to be paid for. From well-known historical causes, economic and social, the Federal Government has become incomparably stronger, more complex, than Hamilton can have dreamed, but it is hard to see that "the people"—that is, some of the Democratic part of "the people"—attach much importance to the fine phrases on the subject.

Against the economic and social causes that have produced centralization to fight were vain. Against further attempts to magnify its sphere made by powerful minorities, societies, and classes the contest may or may not be more hopeful. Perhaps "the people" will not be satisfied till everybody has got his share of the swag or had his notions written into a law. With all respect, we disagree absolutely with Governor Ritchie's "final analysis":

"Most people who favor our increasing centralization of government do so because they lack faith in political democracy and its capacity to govern itself."

We doubt if many people besides a few "intellectuals" and their worshipers lack faith in political democracy. It is perhaps a common error of our democracy to trust in the wonder-working power of law. Millions of excellent Democrats believed, many of them still believe, that the social habits of other millions could be changed overnight by a constitutional amendment and a statute. The American idea of "liberty" too often takes the liberty of minding other people's business. This and that must be "reformed" by changing it. The reformers want democracy remolded to their heart's desire. They have

too much faith in democracy. They think it is omnipotent. We must not look for instant utopias. What is sure is that "the people," in spite of its large apathy, never loses its capacity of getting upon its hind legs and kicking.

PRESIDENT COOLIDGE OPPOSES GOVERNMENT OPERATION OF PRIVATE BUSINESS

Speaking before the opening session of the Congress of the Daughters of the American Revolution, in Washington, April 15, and over a network of radio stations, to millions of people, President Coolidge took a firm stand as being opposed to Government operation of privately owned institutions. The Associated Press broadcast the following morning, April 16, to the whole country the statement that the President has issued "A warning to those who are 'willing to surrender self-government to Federal agencies,' coupled with an admonition against putting the Government in the field of business."

No doubt many unsuspecting listeners-in and readers will jump to the conclusion that the present administration is "safe," and that it is, because of such statements, not radical, yet few of the multitude who thus unceremoniously and thoughtlessly reach that conclusion do not probably know that the present administration has really stolen from the American farmer stockholders of the 12 district Federal land banks their voting power to the administration of these banks, and that, under the direct control of Andrew W. Mellon, Secretary of the Treasury of the administration, these banks are now operated contrary to every principle of Americanism, because that which belongs to the farmer stockholders is dominated by Republican politicians, or their appointees, which is one and the same.

Mr. Mellon thought it judicious to return to Bill Hays those Teapot Dome Liberties, because he knew they bore a bad odor and that the ownership was in question. The same Mr. Mellon did not believe it needful to return to the American farmer millions of dollars' worth of bank stock in the 12 Federal land banks which a short-visioned Congress, through the instrumentality of an unconstitutional amendment to the farm loan act, deprived the said farmers of exercising in accordance with American business principles. Yet, the President continues to issue addresses from time to time which make it appear that the administration is opposed to the "taking-over" process! If this be true, why has the administration been silent thus far in returning to the thousands of American farmer stockholders of these banks the stock which they have been legally forced to purchase in order to participate in the "saving" which these banks are supposed to make possible, and why have the appointees, from Mr. Mellon down, been so inactive in taking the move to make this honest return of farmer-owned property?

However, extracts from the President's address make interesting reading. However, let the reader remember that the Coolidge administration continues to operate the farmer-owned land banks against the wishes of the owners of those banks, for it is needful that this grain of salt be taken with any statement to the contrary issued by anyone speaking in an official capacity for the present administration.

Extracts from the address follow:

"There are always those who are willing to surrender self-government and turn over their affairs to some national authority in exchange for a payment of money out of the Federal Treasury.

"Whenever they find that some abuse needs correction * * * instead of applying a remedy themselves they seek to have a tribunal sent on from Washington to discharge their duties for them, regardless of the fact that in accepting such supervision they are bartering away their freedom.

"Government must be kept out of business.

"If the people are to remain politically free, they must be economically free. Their only hope in that direction is for them to keep their own business in their own hands.

"Public ownership leads inevitably to a position of entrenched selfishness, where a great body of public employees and large outside interests are in virtual control, with the general public paying a high cost for poor service. With all the care that it is possible to exercise, a situation of this kind become entangled with favoritism and is always in great danger of causing corruption and scandal.

"At certain times and in certain places * * * the power of self-government, instead of being retained by the people, has been exercised by those who were serving their own private interests rather than the public welfare. But the people have always aroused themselves and recaptured the control of their own affairs.

"When authority is located afar off it is necessarily less well informed, less sympathetic, and less responsible to public requirements. When it is close at hand it is more likely to be executed publicly and in the public interest.

"Our theory of society rests on a higher level than communism. We want our people to be the owners of their own property in their own right. We recognize that they are all capitalists by nature. We want them to be all capitalists in fact.

"The very essence of business is the expectation of a profit on the part of those who conduct it. * * * When business is in private hands it is expected to be run for the benefit of the owners. When the Government steps in the purchasers, users, and beneficiaries of what

the Government undertakes to supply insist that the concern should be conducted for their benefit. It does not eliminate selfishness; it simply transfers it in part from the seller to the purchaser. Under these conditions it ceases to be a real business, becomes lacking in enterprise and initiative and does not have any motive to provide improved service.

"If it is desirable to protect the people in their freedom and independence; if it is desirable to avoid the blighting effects of monopoly, supported by the money of the taxpayer; if it is desirable to prevent the existence of a privileged class; if it is desirable to shield public officials from the influence of propaganda and the acute pressure of entrenched selfishness; if it is desirable to keep the Government unencumbered and clean, with an eye single to the public service, we shall leave the conduct of our private business with the individual, where it belongs, and not undertake to unload it on the Government."

WILL FARM-LOAN BANKS BE TURNED OVER TO FARMER OWNERS?

The above address surely was only a restatement of the principles which have made America the greatest country in the world, possessed of unique progress resulting entirely from the right of the owner of a given thing to himself manage and guide its destiny. However, we wonder if this declaration is to be construed that the present administration now intends to take action which their officials should have taken long since, namely, deliver to the farmer owners of the 12 district Federal land banks their bank property and remove the politicians therefrom, who have brought about just such a condition as the President pictures in his illuminating address?

It would be nothing short of mockery for a public official to continually speak about "keeping the Government out of business," when the administration with which he is identified, and for which he is directly responsible to the people of the Republic, have not only kept in business, but have taken away from the rightful owners—the farmers—the banking institutions which they—the farmers—own. Mr. Coolidge probably means that he intends to see to it that these banks are delivered over to the owners right away! But wait; let's see!

PERSONAL EXPLANATION—CROMWELL L. BARSLEY

Mr. BRUCE. Mr. President, I rise to a question of personal privilege. In the Baltimore Morning Sun of the 18th instant appeared a dispatch from the Washington bureau of the Sun in relation to the objection that I had made in the Senate on the 17th instant to the consideration of the bill now pending in Congress which provides that in the administration of any laws, conferring rights, privileges, and benefits upon honorably discharged soldiers, Cromwell L. Barsley, a former private in the American Army, should be held to have been honorably discharged from the military service of the United States. The origin of the bill was this: After twice serving as a private soldier in the American Army, first during the Spanish-American War and afterwards during the Philippine insurrection, Barsley was tried by a general court-martial on the charge of stealing two turkeys of the value of \$3, the property of Company M, Nineteenth United States Infantry, and sentenced—

to be dishonorably discharged the service of the United States, forfeiting all pay and the allowances due him, and be confined at hard labor at such place as the reviewing authority may direct for nine months.

The report in the Sun was so misleading as to have inspired yesterday an attack upon me in Baltimore at a combined meeting of the American Legion posts of Baltimore by Maj. Henry S. Barrett, who in the course of an address to the meeting expressed the hope that the State of Maryland would not forget the name of the man—that is to say, myself—

who refused to grant an honorable discharge to a soldier who fought honorably in two wars on account of a small, petty thing.

Another consequence of the report in the Sun was an editorial this morning, which places me, to use the words of the editorial, on—

the frigid heights of puritanical morality where the unco' guild assemble in cold and gloomy conclave—

And so on.

The report in the Sun is misleading in more than one respect. It states that Barsley was twice a soldier and was twice honorably discharged from military service, and suffered a term of imprisonment, but it does not say that during his third term of service he was dishonorably discharged, but only that he was "sentenced to prison and lost his record." The report is further misleading—not to use a stronger term—in stating that I opposed the bill when nearly every other Member of the Senate present favored giving the veteran a "clean bill." This is not a fact. The CONGRESSIONAL RECORD will show that Senator SHORTEIDGE, of California, felt that if the bill passed the Government might in time give Barsley some little assistance, but he declared that the bill should carry no back pay and no back pension.

Senator KING, of Utah, expressed the opinion that the bill should go no further than to remove the stigma of dishonorable discharge. He was not willing that Barsley should have a pensionable status. Senator FLETCHER, of Florida, a member of the committee which reported the bill, simply said that his recollection was that when the bill came to the committee all that Barsley desired was to have his record cleared, and that he did not ask any pension. The statement in the Sun report that I stood firm for virtue, while a half dozen of my colleagues argued with me is entirely unsupported by the official record of the discussion. Nor can I imagine from what source the report derived the information warranting it in stating that all the other Senators in the Senate approved the restoration of Barsley's record. Certain at least it is that Senator CARAWAY, of Arkansas, said of Senator STEPHENS, who had brought the bill up—

what the Senator is trying to accomplish by an act of Congress is this: To say that this man was honorably discharged, when, as a matter of fact, he was discharged as a convicted thief.

The report of the Sun is also peculiarly misleading in that it does not disclose the fact that the real object of the bill in giving Barsley an honorable status was to lay the foundation for a pension for him. "I want him to have a pensionable status just like any other man who enlisted in the Army and served his country," was the frank avowal of Senator STEPHENS in the discussion.

The injustice done me by the report of the Sun was aggravated by the fact that it was published on the first page of the Sun with flaring headlines.

When all the facts of the Barsley case are taken into account, I respectfully submit that in objecting to the bill for his reinstatement as an honorable soldier I did nothing but what an ordinarily conscientious man might have done, and what Senator CARAWAY, of Arkansas, in fact did as well as myself. It should be borne in mind that the Barsley bill was so amended by the committee by which it was reported as to provide that no bounty, back pay, pension, or allowance should accrue or be allowed on account of the passage of the bill. To that extent, at least, the committee shared the moral scruples of Senator CARAWAY and myself. I am informed by Senator BLEASE, who presented the report of the committee, that without this proviso not a member of the committee would have united in a favorable report.

The Washington reporter and the editor of the Baltimore Sun and Major Barrett may think that the theft of two turkeys, or any such theft, followed by conviction, a term of imprisonment, and a sentence of dishonorable discharge, is no reason why the thief should not be placed on a footing of honorable equality with an irreproachable soldier and receive the same pecuniary recompense in the form of a pension as he.

I do not; nor, I believe, do the honorable men and women of Maryland generally. Any man who does, with full knowledge of the facts, deserves, in my opinion, to have a stolen turkey tied about his neck and to be compelled to walk with it in that position fifty times around Sun Square, in the city of Baltimore.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 20, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, April 19, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be Thy holy name, O Lord most high, for Thou dost not look down upon us as one who dwells in the supremacy of might, but as a Father who is pleased to abide with His children in redeeming love. We thank Thee for this disclosure of the divine nature. When we are faint, Thy healing balm is near; when we are weary, Thy staff gives support; when we stumble, Thy right hand is nigh to lift us up. Give wisdom and counsel to the deliberations of this day. May all our homes be under the shadow of divine love. If any have great burdens or sharp cares, if any feel the pressure of a thorn or the weight of a cross, O minister unto them, by which they shall have great comfort and sweet peace. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate insists upon its amendments to the bill (H. R. 5898), entitled "An act to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HALE, Mr. REED of Pennsylvania, and Mr. SWANSON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1271. An act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

Mr. TILSON. Pending that, I ask unanimous consent that if necessary the time for general debate be extended until the time the committee rises. In other words, that general debate will not close until the committee rises to-day.

Mr. BANKHEAD. With the same agreement as to the division of time?

Mr. TILSON. Yes; there may be no extra time, because we may adjourn early, but if there is any extra time, it will be divided as before. My thought is not to conclude general debate or begin reading the bill to-day.

Mr. BANKHEAD. How much time remains?

Mr. TILSON. Four hours and 20 minutes, and that will probably about consume the day.

The SPEAKER. The Clerk says 4 hours and 18 minutes.

Mr. EDWARDS. Is it the gentleman's idea to take up the reading of the bill under the five-minute rule?

Mr. TILSON. Not to-day.

Mr. EDWARDS. How is the time to be consumed?

Mr. TILSON. In general debate, nothing but general debate to-day.

Mr. EDWARDS. How much additional time is the gentleman asking for? He does not fix the time.

Mr. TILSON. We may not wish to consume any extra time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that nothing but general debate shall be in order to-day on this bill, and at the conclusion of 4 hours and 18 minutes if it is desired to consume any more time, that time shall be equally divided.

Mr. CHINDBLOM. Reserving the right to object, the Speaker says nothing but general debate shall occur to-day. The Chair means in Committee of the Whole?

Mr. TILSON. On this bill.

The SPEAKER. On this bill. Is there objection? The Chair hears none. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The Clerk reported the title to the bill.

Mr. FREAR. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SEARS].

Mr. SEARS of Nebraska. Mr. Chairman, ladies, and gentlemen of the House, it is with a modicum, at least, of embarrassment that I try to talk in 10 minutes upon this subject. I can not do anything but hit two or three of the high points in this discussion. I have been working on this question for a number of years, as earnestly then as I am now.

I was the author of what I think is the constructive—I do not say construction—part of this bill. I think I should have had at least an hour, but I am not complaining; only making a statement of fact. It is useless for me to try and discuss this matter thoroughly when I am cut off with 10 minutes.

Several years ago, owing to the drought condition of the Great Plains country and the study I gave it then, I came to the

conclusion that these questions were correlated, and that there is no more use of having a great drought than there is of having a great flood. They are both of wonderful danger to the people.

Great floods are caused by the aggregate waters from many small floods. I am satisfied that there is no more water falling in any county in the United States than the soil of that county needs during the season. I am satisfied that if the present run-off water is taken up by reservoirs in the small flood areas, which every one of you know, several of the lower floods will be prevented. Then the people back in each one of these flood areas would have a wonderful prosperity, using every particle of the water that falls there.

If you will look at the map that Governor SHALLENBERGER put up here yesterday you will notice the small amount of run-off water in any one of these flood areas.

Those western plains, where there is an immense rainfall, have a capacity to hold 3 feet of water. They put 2 feet of water each season on a great deal of that soil. The result is so wonderful to prosperity that in one county out there they have increased the valuation from \$800,000 in 25 years to \$40,000,000. They have decreased the flood flow of the Platte River 45 per cent. They have increased the low-water flow of that Platte River 47 per cent, holding back from the current of the main river over 700,000 acre-feet of water. There is no doubt at all that these waters can economically be conserved more cheaply than the immense expense that is meditated by any one of these bills.

When General Jadwin was smoked out finally, his statement grew from about \$325,000,000 to a billion and a half before the project is carried out, and any project that we undertake is going to be carried out. If that is carried out before a survey is made of the possibility of reservoir control, of the virtue of which I am satisfied just as surely as I am that you gentlemen are sitting before me, and the Government expends anything like a billion dollars to throw that water out into the Gulf and welcome the floods, then my common sense and your common sense will tell every one of you as well as myself that it will not be in the lifetime of anyone now living when the United States Government will reverse that policy, after incurring this immense expense, and go to the policy of holding back and conserving the waters by reservoirs in smaller flood areas, where the floods originate. There is no occasion for any of these great floods at all. The land needs the water and the people in every community need it. The wheat market has gone up a half dollar in the last three or four weeks. Why? Because the wheat out there is dying for want of water in the Southland, in that strip of 2,000 miles long, and farther up. It is not in the soil and there was not the amount of snow which we would like to have had, and not the amount of rainfall. Our waters ran off and were not conserved. The result is that this Nation is going to pay at least two prices for its wheat. Of that I feel sure. The eastern seaboard calls on the West for 250,000,000 bushels of the wheat. In that group of States over to the Mississippi and the Missouri they raise only what they consume. The Pacific States consume more than they raise. All that is shipped abroad, all that two coasts need, must come from that strip out there. That is where it comes from. It has been figured out that in eight years production and consumption are going to come together, and that in eight years we will be an importing nation of wheat unless something is done to hold the waters and make them work for mankind instead of being an everlasting destruction. [Applause.]

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. SEARS of Nebraska. Yes.

Mr. McKEOWN. Wheat during the winter freezes and is easily killed unless the land is moist, does it not?

Mr. SEARS of Nebraska. Absolutely. By taking out these waters the country will not have any more bad floods. We have not any to-day on the Platte. The gentleman from South Carolina [Mr. STEVENSON] stated that the floods there were ended forever by a dam that was not even thought of in connection with flood control. It is true on the Platte. We do not lose any more bridges, railroad or otherwise. The waters are in perfect control where you take up a good share of the water. One great trouble with reference to navigation in the Southland is in the fall of the year. When the water goes down they have to get out dredges, cutting across the sand bars that show up. The Platte River turns in four or five times as much water now as it used to in the fall months in the low-water time, and that river is simply an illustration of what can be done on every one of our rivers.

I think this is a great moment in the life of this Nation. Economic legislation is before us as it never was before, and if a failure be made at this time it will not be the failure of the Secretary of War or of the President or of General Jadwin.

It will be the failure of Congress, where the responsibility must rest. [Applause.]

The two most eminent engineers that appeared before the Flood Control Committee were each most emphatic that no general plan should be adopted until the reservoiring of the minor flood areas had been carefully surveyed. They both realized that as yet no plans had been presented of a definite nature that would justify the adoption of a permanent plan of sending the waters en masse to the Gulf. Anyone attending the hearings before the committee surely recognized that the Army engineers were without civil engineering knowledge. The Army engineers admitted that they knew it to be the policy of our Government when getting information with reference to rivers for legislative action they were required to report as to flood control, navigation benefits, agricultural use, and power. Not one of them made any statement of any definite nature that would throw any light except with reference to dumping the waters into the Gulf.

The belief is here expressed that the shallow and harmful so-called investigation and reports were perpetrated as they were because of the power influence that is abroad in the land, and that reaches and focuses clear to Washington.

Apparently no thought was given to the uses of the run-off waters. Millions more of people are affected by droughts than are affected by flood. More people have been ruined, millions over, by the effects of droughts than by the effects of flood waters. Why should a system be fastened on the Government that will perpetuate floods and also perpetuate droughts when there is but one manner of flood control and it will relieve both conditions? Wherever reservoirs have been constructed there floods have ceased, and the contribution of those flood waters has been subtracted from the flood waters below. Wherever reservoirs have been constructed to conserve the water, then great benefits to agriculture and intended uses have resulted.

What shall we say as to respective costs? With the Jadwin plan we start out with the admitted billion five hundred million to commence with. No one expects otherwise than this amount shall grow, and this to perpetuate floods. To this must be added an annual upkeep charge of at least \$25,000,000 on completion; and some years it will be more. This is interest on \$600,000,000, all dead capital.

A number of well-posted men have testified as to the cost of reservoir control. Mr. Blake, of Oklahoma, who has given 15 years of intensive study to the subject, believes that \$600,000,000 will more than safely reservoir all the flood areas. Also that at least two-thirds of this amount will be reimbursed to the Government by the uses of water and districts that will take reservoirs over by purchase. Professor Mickey, of the State University of Nebraska, who has given many years of study, believes that Mr. Blake's figures are safe ones to follow.

What government before this was ever asked to deprive a great section of its people of their greatest asset, and without benefit to anyone? Is the picture any more pleasing when it is of annual floods rushing through this great country, engulfing its people and carrying destruction in its wake, because it is made perpetual? And because the greatest agricultural section of the world is permanently deprived of prosperity and permanently dedicated to droughts? Is it any more pleasing because 55,000 people are driven away from their homes, that 6,000,000 acres are perpetuated as swamps, that churches, schoolhouses, and organized society there are destroyed? Such a sight as this surely has not been known to America before this time. The picture is the blackest ever attempted to be placed on the canvas of time by deliberate statesmen.

What is the moving influence back of this wretched program that proponents are trying to foist upon this country? We all know. We may as well be frank about it. It is the great power interests of this country that are wrapping their tentacles about all our remaining national flesh. That interest is bound to a policy that means that national resources shall not be developed except as they only are in charge of the development. And then at such cost to the people as shock the conscience. To illustrate, that great interest for years has prevented this Congress from legislating with reference to Muscle Shoals for the benefit of the people. And during this great delay they are getting the power from that plant at 2 mills a kilowatt-hour and selling it to users at 10 cents a kilowatt-hour. If anyone is bold enough to declare that the people of the southeast corner of the United States are being fairly dealt with, let him declare it.

That great influence had enough force at the Chicago flood-control convention—so called—to keep from the resolutions any reference to the control of floods at their source by reservoirs. The threat was made to carry the question to the floor of the convention, and a reservoir plank was inserted. A few days

thereafter General Jadwin, who took part in the convention, named a commission to investigate and report as to reservoir control. He named at the head of it one who had been given a leave of absence on half pay from his service to the Government to take employment at a greatly higher salary with a power company. The report was a farce. The employer paying the higher salary got the report. General Jadwin knew of the dual employment. Lately, the head of that so-called commission of so-called reservoir possibilities was smoked out and resigned from the Army. Before the report was made the association of power people held a meeting and resolved that all flood-control works should be confined to the lower stem of the Mississippi River, which was a declaration of war against reservoir-source control. The report helped to carry on the war against the people's greatest asset yet remaining. Is it any wonder that I doubt the advisability of intrusting to General Jadwin the investigation to be made of reservoir-source control? My own opinion is that under such conditions reservoir-source control would have no more show than a one-legged grasshopper in a pen of hungry turkeys.

All I have asked is for an amendment which should provide that until we have a report from a proper and open-minded board of inquiry as to the value of reservoir-flood control that none of these great run-off ways shall be acquired, which can be done by next December. Being assured as I am that if reservoir-source control is undertaken and carried out by the Government that it will benefit every section of our country; that we will be without great floods and also without great droughts; that the only real flood-control measure will then be reported on favorably; and that the people of the lower stem of the river in place of a great swamp will follow the peaceful pursuits of agriculture and of normal life.

Mr. FREAR. Mr. Chairman, I yield half a minute to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I rise simply to make a suggestion to the gentlemen having in charge this bill and those who are most deeply interested in it. I understand several amendments are in contemplation. If such be the case, I hope that these amendments will be printed in the RECORD so that we may have some opportunity to consider them before we are called on to vote upon them. I think it would expedite proper deliberation upon this bill. [Applause.]

Mr. FREAR. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, following the suggestion which the gentleman from Virginia made, I ask unanimous consent that the Clerk read for the information of the committee an amendment which I intend to offer at the proper time and which I send to the desk.

The CHAIRMAN. Without objection, the Clerk will read. The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 4, on line 15, strike out the words "local interests" and insert in lieu thereof "the several States within the Mississippi flood area"; and on line 21, after "(b)," strike out the balance of the line and all of line 22 and insert in lieu thereof "without cost to the United States provide necessary drainage works and rights of way or easements for structures, spillways, and flood ways as and when required and will hold safe the United States from all damages or claims resulting from such work: *Provided*, That each of the said several States within the Mississippi flood area shall contribute for the acquisition of land, easements, and rights of way as herein provided in proportion to the acreage within its boundary benefited by the flood-relief plan herein provided: *And provided further*, That the United States will reimburse each of the said several States one-third of the amount expended by it for the acquisition of said land, rights of way, and easements."

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, I want to ask that the committee give some consideration between now and to-morrow to the provisions of my amendment. Personally I sincerely hope that an agreement may be reached satisfactory to all factions, so that we may all vote for the bill and send it to the President with a unanimous vote of the House.

As to my amendment, in the first place I provide that the relation between the Federal Government and the affected areas would be direct with the States involved, instead of with "local interests," as provided in the bill. Rather than have the Federal Government deal locally with townships, parishes, counties, or municipalities, as the case may be, I feel that it would be far more satisfactory to establish direct relation between the States and the Federal Government. It seems to me that the agencies of the States are better qualified and in a better position to deal with their own subdivisions, so that we would have the Government dealing directly with the States in carrying out the provisions of this plan.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MONTAGUE. How would that apply to a State having a constitutional provision prohibiting the expenditure of any money by the State for the object involved? I understand the State of Arkansas has such a provision.

Mr. LAGUARDIA. It seems to me the States would have to provide the machinery to comply. I submit that it is only fair when we bring in the State of Washington, or Maine, or New York, or any other State distant from this territory, that the States right in the territory should do just a little more and at least provide the liaison between the Federal Government and their own communities. If we are confronted with a proposition that a State directly involved is prevented by its own constitution from cooperation with the Federal Government, I would say that such a proposition weakens the arguments of the sponsors of this bill.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COX. Would not the gentleman's amendment do away with all benefit assessments—assessments for special benefits as the result of the improvements?

Mr. LAGUARDIA. I would leave that to the States.

Mr. COX. Would you consider those areas to be specially benefited?

Mr. LAGUARDIA. I repeat, I would leave that to the States. I would provide that only the lands or easements necessary for the spillways or flood ways be furnished by all the States in the Mississippi flood area to the Government for the purposes of the plan provided for in the bill. Inasmuch as a great deal of the flood ways would be in one State, manifestly it would be unfair to put the whole burden upon that one State, and therefore we should apportion the costs to the various States in the flood area, in proportion to the acreage directly benefited within these States. For instance, it is estimated that about 19,000,000 acres would be benefited. If that estimate is correct, a State having 3,000,000 acres would pay three-nineteenths of that cost of the land or easements necessary for the flood ways. That is a very small item compared to the total cost of the project. In order to meet the objection that even that burden would be too great, I provide that the Federal Government reimburse the States one-third of the amount expended by them for the necessary acquisition of the land or easements.

Mr. COX. But what would the gentleman do with the New Madrid setback, which is admittedly for the benefit of the States below, but is located entirely in the State of Missouri?

Mr. LAGUARDIA. It would come under the general plan. As to what Missouri's share would be is a mathematical question to be determined in accordance with the general plan. That is mathematical and not legislative.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKEOWN. The question is how these States could get into this arrangement. Would they have to have amendments to their constitutions?

Mr. LAGUARDIA. That is left to the States. Under this plan there would be left to the Federal Government the entire cost of the work and the construction, the construction of the levees, and the States involved and affected would provide but two-thirds of the cost of the land or easements.

Mr. COX. But that would condition Federal action upon cooperation by the States? And if one State should refuse to cooperate, that would mean that there would be no improvement within that State?

Mr. LAGUARDIA. I can not imagine a State refusing to cooperate. If a State affected refuses to cooperate to the meager extent provided by this amendment, I fear it would weaken the desire of the country to bear almost the entire cost.

Mr. COX. The gentleman must understand that the areas in the States especially to be benefited constitute a minor part of the territory in any one State, and those living in the other areas within the State would not see any reason for being taxed for the benefit of those living in the affected area.

Mr. LAGUARDIA. Certainly; but the proportion of contribution would be reduced to an insignificant figure in comparison with that contributed by the Federal Government. We can not shut our eyes to past experience. We know that when this land is taken by condemnation, to be paid for by the United States, it will suddenly acquire artificial value, and the price may be exorbitant. If it were left to each State to condemn I am sure local interest would be protected and thereby eliminate all dangers and possibilities of graft, speculation, and profiteering.

Now, if the figures given by the sponsors of the bill are more nearly correct than the figures given by the gentleman from Wisconsin as to the cost of the land, you must perceive that

the contribution of the State under my amendment would be trivial. It would be simply nominal. And my purpose in bringing about this amendment is to safeguard not only the interests of the Government, but to safeguard the interests of the States as to what will happen if they do not take the necessary measures of protection.

Mr. COX. Does it occur to the gentleman that it would cost the State of Louisiana anywhere from \$80,000,000 to \$100,000,000?

Mr. LAGUARDIA. I do not think it would cost that much.

Mr. COX. If the figures given are correct, it would cost that much.

Mr. LAGUARDIA. No. Louisiana would not have to pay for the land necessary within that State. That expense would be apportioned to the States having territory to be directly benefited.

Now, gentlemen, I want to call the attention of my colleagues from New York to the fact that there is a very good editorial on the subject in the New York World this morning, pointing out the condition of the local interests along the Mississippi.

The editorial points out and states frankly that the local interests—that is, the communities which have suffered by the last and past floods—are really in a bad condition financially and in every way. It points out, too, the danger of land speculation and profiteering if the present bill is passed unchanged. I believe that my amendment would take care of the situation. As I said before, it will leave to each State involved entire control over its own communities, and it would require only the contribution on the part of all of the States directly interested of the land and easements necessary for the floodways and spillways required by the plan; that is, only two-thirds of the cost as my amendment would provide for the reimbursement to the States of one-third of the amount so expended. Then the gentleman from Wisconsin [Mr. FREAR], I am informed, intends to offer an amendment providing that the Federal Government may even loan to the States the amount necessary if the States so request. I want to repeat and make clear that this does not call upon the States to contribute any large amount of money or any large percentage of the total cost. The contribution is limited only to the land or easements over the land for the necessary floodways and spillways. On the figures presented by most of the gentlemen who are in favor of this bill as to the number of acres that will be required and the value of the land or of the necessary easements, I do not believe that the burden to be divided among the various States concerned would exceed 5 per cent of the total cost. It would, however, protect the Federal Government against the abuses with the resultant speculation and profiteering which would add an enormous amount to the cost, and would forever discredit in the minds of the American people the policy of making flood control a national matter.

There was also an excellent editorial in the New York Times along the same lines. Everybody is anxious and eager to have this matter cared for by Congress at this session. Everybody wants to take the necessary measures regardless of necessary costs to prevent another flood disaster, and everybody wants this bill so drawn as to prevent leakages and the entire breaking down of all necessary protections to the Federal Treasurer. Millions are available and should be available for flood protection, but not one penny for graft and profiteering.

I desire to point out to the gentleman from Georgia [Mr. Cox] that if the figures and estimates presented by him and other gentlemen on his side of the question are correct, surely the cost of the land and the easements that would be required in Louisiana to carry out the plan could be nothing like the figure that he has just mentioned.

As to reimbursing railroads for relocating tracks, it seems to me that is a question which could well take care of itself without writing into this bill anything which would change existing law or give an undue advantage to railroad companies. If the railroad bed and tracks are in or along territory in no danger of floods, and by reason of the Government work it is compelled to move the tracks, surely existing law is ample to fully protect the rights of any railroad company under such circumstances. On the other hand, if a company has its roadbed and tracks in territory that is in danger of floods and the Government in order to protect that territory spends millions of dollars, it seems to me that the protection and benefit derived by the railroad company would more than offset the cost of removing tracks if it were necessary. I fear though that by the provision contained in the bill concerning public service corporations existing law as to liability as well as the law on the measure of damages would be changed to such an extent as to require the payment of heavy damages to these corporations, regardless of the equities involved. The Government is better

protected under existing law and surely the corporations have no just ground of complaint.

Gentlemen, I am heartily in favor of immediate and adequate measures being taken by the Federal Government for permanent flood relief. I want to do everything within my power to perfect the bill, to reconcile existing differences so that the bill may become a law, and the law provide the means and the money necessary to commence work. A presidential veto may furnish a political issue, but a political issue will not control the waters of the Mississippi. Some of us are asking so little in order to safeguard this bill against abuses that I feel certain we can come to an agreement that will satisfy all factions. We must not permit selfishness, greed, avarice, and special interests to impair the bill and the great work in the future. The true friends of flood relief put politics aside and are ready to work shoulder to shoulder to bring about the passage of a bill that will do the job.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. GUYER].

The CHAIRMAN. The gentleman from Kansas is recognized for 10 minutes.

Mr. GUYER. Mr. Chairman, the district which I have the honor of representing is a part of the Louisiana Purchase. It is indissolubly connected with the life, romance, and history of the great world-embracing dreamer—Napoleon Bonaparte. The King of Spain had by the secret treaty of Ildefonso ceded Louisiana to France in 1800. Just a few years before Napoleon's birth, on the Heights of Abraham, at Quebec, in 1759, France had lost a continent in what is considered one of the decisive battles of history, and rightly so, because it was there decided whether the civilization of this continent and ultimately this hemisphere should be Latin or Anglo-Saxon.

Napoleon, like every Frenchman, longed for the time when France should win it back. The great Corsican, triumphant everywhere except on the sea, where England disputed his sway, longed to see the day when a French army would again dispute the title to this virgin continent with the conquerors of Quebec. Over here there would be no English Channel, like an impassable moat, to shield "perfidious Albion." He longed for the time when his eagles would mingle with those of the Cordillera as well as with those of the Alps; when his domain would spread from the Mississippi to the Pacific; and when Mexico would fall into his lap like a ripe peach from the bough of time, for the whole world was not too spacious for his ambition. He would strike England in Canada. He did not love England overmuch. He was the William Hale Thompson of his generation. [Applause.]

In 1801 he had concluded the treaty of Amiens with Great Britain. In 1802 that treaty had been irreparably shattered, and in 1803 England had her eyes on Louisiana. Napoleon thought she was feverishly preparing to take possession of it, for Britain disputed the title of France to it. That was what he would have done. Pitt fortunately overlooked that. Napoleon planned to send General Victor with 25,000 French grenadiers to take possession of Louisiana and be ready for all emergencies.

But 1803 found every royal bayonet in Europe pointed at the breast of Bonaparte. Before him were Austerlitz and Ulm, Jena and Auerstadt, Eylau and Friedland. Livingston had suggested the purchase of New Orleans. The wily Corsican clung long to his dream of an American empire where a growing France under his sway would find room to expand. But no one knew better than he that a dagger, a bullet, or mayhap a Waterloo might end his career, and that England's first demand from humbled France would be Louisiana, which would add a great empire to his hated rival. He would renounce for the moment his dream of American conquest. He needed money for the wars that faced him in Europe. He must feed his hungry cannon. He would sell not only New Orleans, he would sell Louisiana. So, down at the Palace of St. Cloud, he affectionately ran the tips of his fingers over the map of the Mississippi Valley and exclaimed:

The cession of Louisiana will forever strengthen the power of the United States, and I have given to England a maritime rival that sooner or later will humble her pride.

So it was that we secured Louisiana. So it was we got the Mississippi. So it was we inherited the flood problem, the greatest flood problem, with one exception, that ever confronted any people.

Through Napoleon we not only acquired the Mississippi but it was through him that we got our first lesson in flood control. Gen. Simon Bernard, who served under Napoleon at Waterloo with the rank of lieutenant general, was Napoleon's chief of

engineers. After Waterloo, in 1816 General Bernard came to America as the guest of Joseph Bonaparte, who had taken up his residence in this country. Some one here in Washington had the good sense to place General Bernard at the head of the Army engineers, where he stayed a dozen years or more, and ever since that time the Corps of Engineers of the United States Army has been the best body of engineers in the world, thanks largely to General Bernard. Afterward he was back in France as Minister of War under Louis Philippe.

In 1822 General Bernard issued the first report on the floods of the Mississippi. He had constructed the dikes of the Po, under the direction of Napoleon, to control the floods of that river. He recommended dikes or levees for the Mississippi, and, no doubt, if the watershed of the Mississippi had remained as it then was, the levees or dikes would have controlled its flood waters. So began the work that we are trying to perfect over a century later.

And what an empire this Mississippi Valley, with all its tributaries, is—an empire that produces more than 100,000,000 people can consume! Rome ruled the world from Egypt to the British Isles, yet her eagles could not fly in a straight line as far as from New Orleans to Helena, Mont. Alexander conquered the world and was triumphant from the summit of the Alps to the foot of the Himalayas, yet he could not march his invincible phalanx in a straight line as far as from Pittsburgh to Santa Fe, all within the watershed of this mighty river.

But wide as it is and productive as it may become, future generations will need it all. The populations of England and Germany increase annually over 1 per cent. Should our population increase only as fast as that we will have in A. D. 2000 over 200,000,000 people and by A. D. 2400 some 3,200,000,000. The ripest and rarest scholarship in the world is exhausted on the Encyclopedia Britannica. About 80 years ago it estimated that if the resources of the North American Continent were fully developed it would afford sustenance for 3,600,000,000 inhabitants. At that time that number was five times the number of people there were on the globe. But the human race has doubled in the past century. And it has been the experience of the race that where a soil and climate will support a population the population will come, and this prodigious population will be in existence in about four centuries. That future population must be fed largely by the drainage area of the Mississippi Valley. Napoleon truly said a century and a quarter ago that this would be the richest valley in the world. It long ago justified that prophecy. To-day it produces 70 per cent of the farm products of the Nation and 60 per cent of its wealth. It produces 80 per cent of our wheat and over 90 per cent of our corn. In fact, it creates and produces over 70 per cent of all the basic fabrics of trade and manufacture—coal, iron ore, oil, cotton, wood, and wool—all the basic substances except copper. It has nearly 75 per cent of the Nation's railway trackage and furnishes 58 per cent of its manufactured products; and last, but not always least, it produces 65 per cent of the Members of this House of Representatives.

What we do about this matter of flood control is of vital interest to every citizen of this entire country. This is the greatest task on the hands of this Congress—this and farm relief. And they are closely allied, for they affect to a great extent the same territory.

This is a great constructive and creative enterprise, and it is the duty of every Member here to conscientiously and honestly meet the issue without splitting hairs nor halting at trifles. This bill does not suit me. It does not suit anyone exactly, but that is not strange.

When, on the 17th of September, 1787, the Constitutional Convention was ready to sign the draft of the Constitution there was not a member of that body who was entirely pleased. Washington said there were parts of it which he did not and probably never would approve. Franklin said the same thing. Alexander Hamilton signed it and then tapped the parchment with the tips of his fingers and said it was just a makeshift. But later, when he and Madison were writing the Federalist, the greatest thesis ever written on human government and the greatest exposition ever evolved on that Constitution, Hamilton declared he discovered the intervention of the Almighty in it, as he had so often observed it in the affairs of the Revolution. Fortunately it did not suit any of those great men, but was the result of the combined wisdom of all of them. It seemed as if the good Lord had kept all the fool things out of it and kept all the wise and good things in it and thus produced the greatest document for the preservation and evolution of liberty the world ever possessed.

Now, I am not comparing this bill with that immortal document. I am merely repeating what has been said heretofore—that it is

the best bill we could agree on. Bring on your constructive criticism, and if it does not suit you amend it. That is what the committee tried to do. After months of hard work and most exhaustive hearings we reported the best bill we could agree upon.

It has been suggested upon this floor that this bill will encourage speculators to prey upon the Government, if it passes. That has a most familiar sound. That is exactly what they said when Hamilton and Washington undertook to establish the public credit of the United States by paying the public debt of the States and of the Continental Congress. They said that sinister agencies had bought up the scrip issued to the Revolutionary soldiers, and that therefore it was not wise nor right for the General Government to assume and pay the Revolutionary debt. Did George Washington and Alexander Hamilton stagger back before that kind of kitchen gossip? People said, "Let the States do it!" Washington knew the States would not do it. He knew that they would do it like they furnished food and clothing at Valley Forge. It was a task bigger than the States. It was an enterprise for the National Government. It was the biggest undertaking this Government had to perform in launching the Government under the Constitution, and that was the establishment of public credit. Washington and Hamilton knew that no nation was any stronger than its public credit. They knew that the fate of their country depended upon the establishment of the Nation's credit, and they proceeded to do it in a businesslike manner. And they deserve the everlasting acclaim of their country for their work.

And that public debt was a staggering sum at that time—\$80,000,000, one twenty-fifth of the entire wealth of the thirteen States. You are talking about this Mississippi flood control costing a billion dollars. I do not understand how this figure is arrived at. I heard nothing serious in those hearings that indicated anything of the kind. But if it did cost a billion, and it did control the Mississippi floods and those of its tributaries, it would be the best investment since the purchase of Louisiana. [Applause.] That would be only one three-hundred-and-fiftieth of the wealth of the country as against one twenty-fifth for the Revolutionary debt.

In supporting this bill I am not conscious of violating any party pledge or principle. Rather, I am following illustrious examples of party policy. All through our political history as a party there runs like a golden thread the principle of nationalism. It means that we always emphasized the Nation and not the States. "We the people" and not "We the States." This has come down to us through our political ancestry, and we are proud of that political ancestry—Washington, Hamilton, John Marshall, Daniel Webster, Abraham Lincoln. Our political ancestry comes down through them as clear and distinct as our lineage through our fathers. We can claim Washington with more consistency than any other party. We have adhered to his policies and principles closer than any other party. The old Federalist Party was not so true to them as we have been. He launched this Government with several primary political policies that were based on fundamental principles: First, a strong and indissoluble Union. The fundamental purpose of our party was to preserve the Union that Washington founded. Secondly, financial integrity—payment by the Government of the Revolutionary debts and the establishment of public credit. Thirdly, industrial stability by following Hamilton's "Report on manufactures," which involved a protective tariff. All will admit that that is a Republican principle. And fourthly, nationalism as opposed to internationalism—national security, no entangling alliances.

Every one of these four policies has for half a century been a fundamental idea in all Republican platforms. Say what you may about the League of Nations and its defeat by a coalition of Senators from both parties, yet behind all of this, within the shadows, towers the majestic figure of Washington, who had warned us against entangling alliances.

The policy pursued in the flood relief bill is nothing new. It is consistent with the policies and principles of the Republican Party. The first speech that Abraham Lincoln ever made he announced he was for certain policies: One was a protective tariff, another the United States bank, and another internal improvement, by which he referred to the Government improving rivers for navigation and building post roads.

We forced this idea of nationalism down the throat of the Southland. We did it in the decisions of John Marshall, Chief Justice of the United States; we did it at Vicksburg, Chattanooga, and Gettysburg; we did it at Appomattox 63 years ago. Now, let us be both honest and consistent. We said that the life of liberty depended upon nationalism; that only through a great and powerful central government could our free institutions survive. Lincoln said:

It has long been a grave question whether any government not too strong for the liberty of the people can yet be strong enough to maintain itself in a great emergency.

This Government proved strong enough to maintain itself in the face of the greatest emergency that a republic ever faced. So let us drive true to form; let us demonstrate again that the Union was worth saving, if for nothing else to throttle this menace of the Mississippi flood. For what chance could there be for flood relief if two nations were separated at Cairo instead of one nation indissolubly welded there so that the strong arm of the North might gather up the South staggering under the weight of this mighty river's wrath? Let us prove our faith in our own doctrine—the doctrine of nationalism.

All have agreed that this is the most important civil matter that has been proposed to Congress in a quarter of a century. Then let us approach it in a manner fitting such a task. It is a stupendous creative enterprise; a great, comprehensive and constructive program to accomplish. We do not need a wrecking crew. We need a construction gang.

This bill provides for surveys of the tributaries of the Mississippi which are subject to destructive floods. The program is to control eventually all the tributaries that have destructive floods, both for the local benefits that will flow from it and for the effect it will have on the lower Mississippi. Many tributaries have floods which, though less extensive, are extremely destructive in the area affected. In the district which I represent we have the Kansas and Kaw. In 1903 a flood destroyed from thirty to forty millions worth of property. Sixteen bridges were swept away, which cost many millions to replace. It cost the lives of a dozen people. In my opinion we can not locally control that flood, but if embraced in a comprehensive plan with the help of the Government it can be mastered.

Fear has been expressed that this flood-control plan will cost too much money. A billion dollars has been mentioned. An extravagant figure from the light of the evidence. Did we not vote nearly \$400,000,000 for the Navy the next fiscal year? I voted for it, and I think it was justified. In the past eight years we have spent about \$6,000,000,000 on the Army and Navy, and I am not criticizing that. But why, when a great constructive, creative measure like this is before us, do we cry "pork," and vote billions without batting an eye for other purposes which, to say the least, are no more worthy than this? Why is it that when money is mentioned for flood control or farm relief you cry "pork barrel"?

This bill preserves the principle of local contributions, making an exception of the stricken regions of the lower Mississippi. It recognizes that those people have already contributed \$292,000,000 in past efforts to control the flood and a half billion in the losses sustained in 1927. I am one of those who, adhering to the policy of local contributions, make an exception here for the reasons stated.

As one who has no political or financial interest except that of a sympathizing fellow countryman, I plead for the 750,000 men, women, and children who tremble beneath the sword of Damocles in the Mississippi Valley. I plead for them whose homes were made desolate by that cataclysmic disaster, whose stock and property were destroyed or carried away on the angry flood. I for one, as a Member of this Congress, want to exert my influence and cast my vote in their behalf, and in doing so I believe I am following the example of the greatest of all Republicans—he who had "malice toward none and charity for all."

And if we do this I believe that it will be the ultimate triumph that he would have decreed for his principles of government and humanity. A greater triumph than when he was called in 1860 to the highest office on earth. A greater triumph than when the flower of the southern army withered before his flaming guns at Gettysburg. A greater triumph than when he sent Sherman, shod with iron fury, to trample the Southland into the bloody dust. A greater triumph than when the gallant sword of Lee was yielded up at Appomattox. A greater triumph than when, just 63 years ago to-day, with the world bowed at his bier, he lay yonder under that great dome, crowned with the everlasting halo of martyrdom. [Applause.] A greater triumph than when his countrymen, North and South, built that temple of classic grandeur on the bank of the Potomac where he sits on his marble throne. His greatest triumph will be when the Union which he saved and for which he died, grown rich "beyond the dream of avarice," strong beyond the vision of its founders, reaches out its mighty arms and rescues his beloved Southland from the menace of its ancient enemy—the fury of the Mississippi flood; when those "mystic chords" will vibrate again as he said they would, when "touched by the better angels of our nature." [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. SINCLAIR]. [Applause.]

Mr. SINCLAIR. Mr. Chairman, it was well said at the beginning of the debate on this bill for the control of floods in the Mississippi Valley that this is the greatest undertaking that has ever confronted the National Government. It is, indeed, a stupendous task, and the solution of the problem of flood control will mean more to the economic welfare and safety of the Nation than possibly any other one act that the Congress can perform.

As is generally known, the "levees only" plan has heretofore been adopted as the sole means of controlling the Mississippi floods. There has been considerable criticism of the Army engineers in connection with this plan. I think, in justice to the Army engineers, they should not be held entirely responsible for its failure. A part of that failure rests directly upon Congress. When the Mississippi River Commission was organized, its work was based on improvement of the river channel in the interests of navigation. After a preliminary examination by the commission, its first recommendation to Congress asked for an appropriation with which to contract the channel and stabilize the banks of the river in order that the velocity of the stream might be accelerated. This would insure a scouring of the bed and a more uniform channel. It made navigation easier and more certain. This policy was adhered to by the commission and approved by Congress for over 12 years, and no part of the funds appropriated by the Congress was used for the purpose of preventing injury to the adjoining lands or to prevent floods, except as the deepening and improving of the channel might do so.

About the year 1890 the Congress permitted the building of levees as a partial aid in stabilizing river banks, and this policy prevailed until 1917. Whatever protection was afforded from levees prior to that time was furnished by the individual landowners or levee districts located along the river. It really was not until 1917 that the Congress recognized flood control of the Mississippi River as a part of the national responsibility.

The question we have to decide here in the enactment of legislation is what particular plan we are going to adopt for the control of floods in the Delta basin of the Mississippi River. It is pretty well agreed by all that the "levees only" plan has proven ineffective. Even the friends of that proposal are ready to admit that something additional must be done. The question then, resolves itself into this: Since we are unable through "levees only" to confine the waters within the river channel, shall we let the waters out of the river at convenient and suitable places in the lower river, or shall we prevent them from reaching the river by retention dams and source-stream reservoirs in the headwaters of the various tributaries?

It is contemplated that the "outlet system" will require the dedication of over 6,000,000 acres of land for flood ways and backwater areas. No one knows for a certainty whether this area will not be constantly enlarged as the volume of water increases in future years. It would necessitate a large and growing sum annually to be appropriated for the maintenance and upkeep of levees and spillways. Consequently, we should be reluctant to authorize this plan until a further study has been made and a final conclusion reached that this is the only plan that will insure a margin of safety.

There are five great tributaries that pour their waters into the lower Mississippi from Cairo to the Gulf. They drain 31 States, amounting to over 1,250,000 square miles. The annual discharge of water from this great drainage basin amounts to nearly 500,000,000 acre-feet. The maximum discharge from the Ohio River and its tributaries into the Mississippi is 1,400,000 cubic feet per second. The upper Mississippi River discharges a maximum of 450,000 cubic feet per second. The Missouri River has a maximum discharge of 430,000 cubic feet per second. The Arkansas River has a maximum discharge of 800,000 cubic feet per second, and the Red River has a maximum discharge of approximately 250,000 cubic feet per second. If all these tributaries were discharging a maximum flow into the lower Mississippi at the same time, it would make a volume of water in excess of 3,500,000 cubic feet per second. This would make a flood approximately one-fourth greater than the 1927 flood and greater than any known flood in the history of the country.

There are those who believe that the proper way to control the floods of the lower Mississippi is to control the water at the source of the tributaries. Eminent engineers consider this the best method that can be adopted. If the flood waters are prevented from reaching the lower valley they can do no damage there. By restraining them they will be absorbed at the source of their origin.

It has been estimated that a system of reservoirs in the upper waters of the Ohio River can reduce the flood height of the river at Pittsburgh over 10 feet. This can be met at a cost of something like \$20,000,000. Similar reservoir sites have been located in the Tennessee and Cumberland Rivers that will reduce the maximum stream flow of the Ohio River at Cairo by 50 per cent. It has been demonstrated by capable engineers who have made a thorough study that a reservoir system on the Arkansas and Red River Basins will reduce the stream flow of these two rivers over one-half at an estimated cost of \$100,000,000.

The State engineer of North Dakota has made a study of a reservoir project in that State which would divert and impound the waters of the Missouri River during the flood season. It is a well-known fact that the annual evaporation of the Great Plains States is exceeding the annual rainfall in those regions. This is due to increased vegetation, wider cultivation, and the more rapid run-off of the annual rains that fall upon the land. Eventually it means the depletion of the subsoil moisture. Even now crops can only be grown successfully in many sections every other year by means of a system of dry-land farming. In my State there are enormous natural storage basins that would afford an annual storage of approximately 5,000,000 acre-feet of water, which could be diverted from the Missouri River. All of the various basins and depressions could be filled from the flow of the Missouri during the flood periods in the spring. Engineers have made a survey, and state that a dam could be constructed in the Missouri River at Fort Clark that would raise the water in the river 150 feet, backing it up 138 miles, without destruction to property except the almost useless bottom land of the river. This reservoir could provide storage for 15,000,000 acre-feet of water, which, added to the storage in the various basins over the State, heretofore mentioned, would make a total of 20,000,000 acre-feet. In this one reservoir alone over one-fourth of the entire annual discharge of the Missouri River could be stored.

During the spring months or flood time in the lower valley, the entire discharge of waters from the Missouri River could be retained in this reservoir alone. The estimated cost to build such a reservoir would be approximately \$35,000,000. At the time of the flood of 1927, the Missouri River, at the point of the proposed dam, was carrying approximately 160,000 second-feet of water. This amount is approximately 7 per cent as much as was in the lower Mississippi. If this Missouri water can be stored, and also that of the Arkansas, Red, and Ohio Rivers, it will have practically solved and controlled the flood problem of the Delta stretches of the Mississippi River. It is the excess flood waters that do the damage in the lower valley. Engineers believe that a complete reservoir system can be accomplished at a total cost of \$400,000,000.

The people of the Great Plains area are suffering from a lack of water, while the lower Delta basins are suffering from too much water. Why permit this condition to exist when a comprehensive program of control can relieve both situations and provide additional economic benefits to all? No adequate survey of either plan, that of outlet or of reservoirs, has been presented to the committee. None has been had. For that reason it is provided in this bill that an expenditure of \$5,000,000 be made for the purpose of surveying the tributaries as to reservoir sites, and studies made thereof as to the effect on flood control. A similar topographical survey must be made in the Delta basins in order to locate the outlets if that plan should be finally adopted. In the meantime, there is sufficient work to occupy the whole time of the agency in charge of repairing levees along the stretches of the lower Mississippi.

In my opinion, for the immediate safety of the city of New Orleans, the Bonnet Carre spillway should be put in. This will cost approximately \$12,000,000. The levees on the main river should be brought up to the 1914 grade and section, as approved by the Mississippi River Commission. This will cost about \$150,000,000. The work of channel stabilization by means of revetments and bank improvements should be carried on until finished. This will cost \$110,000,000. These estimates are practically agreed upon by both the Mississippi River Commission and General Jadwin. They are considered necessary work in the plans for flood control of both organizations. It is my opinion that these projects should be undertaken and vigorously prosecuted until finished. In the meantime, further surveys of spillways, outlets, and reservoirs should be made with a view to securing the best plan for comprehensive and effective flood control.

I have arrived at my conclusions with reference to this bill after a thorough study of all the evidence presented to the committee. I am frank to say that my judgment has been much influenced by the testimony of Mr. John F. Stevens, the most eminent engineer in the United States to-day, who ap-

peared before the committee and stated that it would be impossible for anyone to decide intelligently on a plan for flood control of the lower Mississippi River without further and very careful study of the whole problem. I think the opinion of an engineer of the achievements of Mr. Stevens is entitled to the utmost consideration.

If the reservoir plan be adopted, it will equalize the benefits to all sections of the country and afford flood protection not only to the main river but also to all of the tributaries. In addition, the returns to industry and agriculture, through the use of the reservoir waters, will within a reasonable time more than pay the initial costs to be borne by the Government. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Chairman and members of the committee, in these few minutes I wish to discuss one phase of the question that has been brought upon the floor of the House and upon which I think the membership should have information.

When we began the discussion and hearings upon flood control and began to work out a plan, we assumed, of course, that everyone dealing with it would want to know exactly what the facts are and would want to deal with them in perfect fairness to everyone concerned. I therefore want to offer some suggestions and some evidence which has been collected relative to the statement that this proposition is going to cost one billion dollars or a billion and a half dollars on account of the efforts of large banks, large landholders, and lumber interests in the alluvial valley to hold up the Government for \$75 an acre for the land that may be necessary in that section for flood ways.

This statement has been carried in the press throughout the country and has been offered as evidence why this legislation should be defeated.

I believe it is generally admitted by all that where property is taken to be used as a flood way compensation should be made for whatever interest in that property may necessarily be dedicated to that purpose. Since these charges have been made and the record filled with statements and the names of various concerns, especially by my friend, the gentleman from Wisconsin [Mr. FREAR], I think it only fair to state that many of the statements are entirely unfair and not justified by the actual evidence. For instance, we had a committee of engineers make an investigation of the land values in the territory to be taken for flood ways all through the basins, and especially in Arkansas and Louisiana, and the report showed a value of about \$25 per acre, which is quite in contrast with the statement which has been given to the press and the country of \$75 an acre.

Then an investigation and report was made by the Mississippi River Commission based upon a survey of the Tensas Basin, and the cost of all the land required, including the work of clearing and removing the timber where necessary, was estimated at \$36,000,000. In this basin my friend the gentleman from Wisconsin [Mr. FREAR] outlines practically 2,000,000 acres at \$75 an acre.

Mr. FREAR. What flood way is that?

Mr. WILSON of Louisiana. The Tensas Basin flood way.

My friends, charges were made and certain companies were named that happened to be interested in Arkansas and Louisiana. Their names were given and a special reference was made to the Tensas Delta Land Co. Even charges were made, which I think were unfair, that former Senator Lorimer, of Illinois, had his office in the same building as this land company. He had no connection with it in any way. Senator Lorimer happens to live in my district in Louisiana. He went down there and established a sawmill in that country and acquired some property. He was a patriotic and public-spirited citizen there, and on account of the losses from this flood, when his sawmill interests were 15 feet under water, his property was practically wiped out and he has had to abandon Louisiana and go back to Chicago. After all his work there, he wound up owning in his own name 16 acres of land. Now, is it fair to bring charges against this former Senator just because he happened to be in the same building with the Tensas Delta Land Co.?

I am going to place in the RECORD a number of telegrams, which I would like to read if I had the time. I want to read especially a telegram from the president of the Tensas Delta Land Co., which owns in my district in Louisiana about 200,000 acres of land, which, I think, is the amount that the gentleman from Wisconsin [Mr. FREAR] stated.

A portion of that would be in the flood way. Here is what the president of the Tensas Delta Land Co. wires me, a man of standing both in Chicago and in New York:

RILEY J. WILSON, M. C.,

House of Representatives, Washington, D. C.:

President Coolidge is misinformed about lumber interests wanting to hold up the Government in any way on flood control. To the contrary, they will aid in every way in granting spillway rights at nominal cost per acre for land used and very low prices for timber used or destroyed. Tensas Delta Land Co. have authorized no one to make prices on extravagant statements, as reported by STRONG of Kansas, which are untrue. We do want flood control, but not swamp drainage that would ruin the timber. The swamps are necessary for regrowth of hardwoods and acts as reservoirs in high water. Our company ready to accept the lowest prices for land and timber required, ranging from \$5 to \$10 per acre as may be timbered, with minerals reserved.

That is for the actual title to the land of the Tensas Delta Land Co. The flowage rights is all that anyone expects to acquire, and those would be from \$2 to \$5 an acre.

The telegram continues:

The writer has been exploring timber in the watersheds of the Mississippi River from Pennsylvania to Montana south to the Gulf, and thus, knowing the great value of protecting this vast territory from devastating floods, believes it to be a national instead of local question.

JAMES LACEY,
President Tensas Delta Land Co.

Charges were made against the Williams Cypress Co. that it wanted to unload on the Government lands at \$75 per acre. Here is a wire from C. S. Williams, vice president of the F. B. Williams Cypress Co.:

W. H. DICK,

*President Mississippi River Flood Control Association,
Washington, D. C.:*

Your wire 17th; have discussed subject of your telegram with representative of Downman interests, Kyle Lumber Co., and others. It is our opinion that the use of the Atchafalaya Basin as a flood way would damage our cut-over swamp lands to the extent of, say, \$5 per acre, owing to the deposits, and therefore killing of hardwood timber now on these lands, as shown by experience higher up the river. We believe that \$10 an acre would represent a fair value for our land, reserving to us only the mineral rights, which at this time appear of high value, but which would not be materially affected by additional waters. We would be unwilling to give up mineral rights, and it seems unnecessary for us to do so. It was agreed that should these figures seem out of line, either too low or too high, that we would gladly submit the question of remuneration to arbitrators. In any event, we don't feel we are entitled to more than actual losses to be incurred. Machinery should be set up, however, for the condemnation of all lands required for flood-way purposes, and reasonable prices should be insisted upon by the Federal Government.

C. S. WILLIAMS,
Vice President F. B. Williams Cypress Co.

Now, that is the value of the land which it is charged they have taken and want to hold up the Government for \$75 an acre.

As I said before, the people of this valley, whether they live in Chicago or Louisiana, are interested in flood control, and not in one instance has there been an effort to hold up the Government in that manner.

As I said, the flowage rights is all that is necessary to be acquired. The charge was made that banks in New Orleans were purchasing lands in that territory. I wired to the various clerks of courts of the parishes in the Tensas Basin, and the replies were uniform that no activity whatever, no purchases of lands in the flood ways were being made, and normal conditions prevailed everywhere.

I have a letter from Mr. Lorimer tendering to the Government the right to such of his lands as are left in the basin the right of use without one dollar of cost.

I have a wire from the Holloway Saw Mill Co., which reads as follows:

Congressman RILEY J. WILSON,

House of Representatives, Washington, D. C.:

Have heard claim that land in Tensas Basin was being held at exorbitant prices for Government flood-control purposes. We own 15,000 acres in Tensas Basin and offer all or such portion as needed for flood-control purposes at \$10 per acre, reserving timber and mineral rights, or \$5 per acre for flowage rights.

HOLLOWAY SAW MILL CO.

I have other telegrams from large landowners in the flood-way areas, as follows:

Wyatt Lumber Co. have been acquiring lands in Delta section Louisiana for 10 years; none within last 3 years. Our lands necessary for flood control can be had at cost and carriage, and none in excess of \$10 per acre; we reserve mineral rights and to have water privileges.

A. H. HENDERSON,

Re telegram, we offer in fee about 7,000 acres land in Tensas Parish, La., we reserving timber, oil, and mineral rights. Part of this land is now in cultivation, but, nevertheless, we hereby offer it at average price of about \$12 to \$15 per acre. We do not understand what is meant by flowage rights, but we are willing to leave flowage price to be fixed by any board of Government engineers at what they think is fair, or to any arbitration board of three, and their decision to be final.

PENROD-JURDEN CO.

In the opinion of this company lands in our territory needed for levees and spillways in connection with Mississippi River flood control can be acquired for not exceeding \$10 per acre, owners reserving timber and mineral rights.

TALL TIMBER LUMBER CO.

In the opinion of this company lands in our territory needed for levees and spillways in connection with Mississippi River flood control can be acquired for not exceeding \$10 per acre, owners reserving timber and mineral rights.

TROUT CREEK LUMBER CO.

In the opinion of this company lands in our territory needed for levees and spillways in connection with Mississippi River flood control can be acquired for not exceeding \$10 per acre, owners reserving timber and mineral rights.

GOOD PINE LUMBER CO.

In the opinion of this company lands in our territory needed for levees and spillways in connection with Mississippi River flood control can be acquired for not exceeding \$10 per acre, owners reserving timber and mineral rights.

GRANT TIMBER & MANUFACTURING CO.

These telegrams represent the owners of more than half a million acres of the land under discussion. Their attitude is plain. The figures they quote are plain. They show in a way that can not be contradicted that the charges that have been made of extortion, speculation, and land grabbing are utterly without foundation and are nothing in the world but propaganda. They further show that the land or flowage rights can be acquired for less than \$10 per acre.

Mr. FREAR. Mr. Chairman, I yield to myself 10 minutes.

Mr. Chairman and gentlemen of the House, one of the strangest exhibitions I have ever seen in any bill that has been presented to the House is the situation that confronts us now. Not one word of evidence was offered to the committee of these land values except those that were furnished by the engineers, so far as my recollection goes. The Army engineers and the Mississippi River Commission made their statements to us and the Mississippi River Commission estimated about \$100,000,000 damages for the two flood ways. The Army engineers on different estimates of \$25, \$50, and \$75 an acre made their estimates which I have quoted.

The gentleman from Louisiana, a member of the committee, never questioned the men who came before us, and said that the cut-over lands were worth \$75 an acre. I asked, Is it true that you believe that nonproductive lands in the flood way are worth \$75 an acre? and the answer was yes.

Mr. WILSON of Louisiana. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. WILSON of Louisiana. We had that question up day before yesterday and some man from Missouri mentioned \$75 an acre. I want to say the reason the values were not asked about is that nobody dreamed that these people in Louisiana or Arkansas would ever be charged with attempting to unload their lands on the Government at any such price.

Mr. FREAR. I do not know what price you want to unload without contribution.

Mr. WILSON of Louisiana. There is no proposition to unload any land on the Government, but they are offering lands to the Government for flood rights.

Mr. FREAR. That is as far as I can yield. How do you acquire land rights? By condemnation proceedings. You must go into court. Men do not come voluntarily and make an offer to contribute. They wait until the law is passed and then they say, "What are you going to give us?" You proceed with condemnation rights for flowage as you do for full title. What is the evidence in the case of the Panama Canal, which it was said in Congress was going to cost \$150,000,000?

We paid over \$300,000,000 for it, and according to some estimates here we did not spend one-third as much for the Panama Canal as we are going to pay for this Mississippi River proposition. One was an investment, the other an enormous contribution.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Not just at this time. I want to make a connected statement if I can, and I am only answering the gentleman from Louisiana [Mr. WILSON] because all of the estimates that I got were very much higher. For instance, take the New Madrid proposition, which is another flood way. There it was in the neighborhood of \$150 an acre. If we did not know of some places down there in Louisiana that are now offering this land, that was not our fault. There was no evidence of it before the committee so far as I can recall. I am simply quoting the engineers on the estimates so far as they could ascertain. No estimates were furnished the committee. It would seem to me that the most important thing to do would be to present to the Government of the United States what it is going to cost when you are offering such a bill.

Mr. WILSON of Louisiana. Is it not a fact that the estimate of the Mississippi River Commission for land and clearance in the whole Tensas Basin flood way was \$36,000,000?

Mr. FREAR. Oh, here we have it at page 90 of Document No. 1, committee report, Atchafalaya flood way, \$52,000,000; Tensas flood way \$107,000,000.

Mr. WILSON of Louisiana. But I am speaking only of the land. The figures the gentleman quotes includes the works as well as the land. I think the gentleman ought to be fair.

Mr. FREAR. I will be fair, but I can not yield further. Why did not you ask these questions in the committee?

Mr. WILSON of Louisiana. Because I knew those people were not going to want \$75 an acre and never thought anything about it.

Mr. FREAR. You did not know what they were going to ask. You never knew. You did not ask any of them.

Mr. WILSON of Louisiana. And the gentleman did not, either.

SEVENTY-ONE MILLION TO RAILWAYS

Mr. FREAR. That is true. I did not know of it until the bill was reported, what it would contain, but then I asked the facts from Army engineers. Let me quote from Committee Document No. 14:

The entire expense in taking care of the railroads at this and all other points where expenditures must be incurred to adjust their tracks to fit in with the comprehensive plan recommended by General Jadwin should be assumed by the Federal Government.

This is Document No. 14 that I am quoting from, and the cost is estimated at \$66,835,000, and the railroads afterwards jumped that estimate up to over \$71,000,000, which amount the Government will have to pay these railways in the flood ways. Here are the names of the railway engineers who signed this—a dozen or more. That is their document and claim against the Government. Are you going to give them that? Possibly.

Mr. Chairman, I concede that this question of values is about as elastic as the length of a piece of string. No one knows what it is going to cost. No one will ever know what it is going to cost if the Government of the United States is to buy this 4,000,000 acres of land, because we will buy it at the outside price. You gentlemen in Louisiana and in Missouri and in other places could get the property at a reasonable price if to be taken by local interests, but once get the United States Government in there, or get a railway in there asking for a right of way, and every man who has any experience in these questions knows that it will cost the Government of the United States or the railways far more than the estimate. I can not say whether it is going to be \$25 an acre as figured by the Mississippi River Commission, or whether it is going to cost \$50 an acre, or far more than that figure. At \$25 an acre the cost of the project is over \$800,000,000, and it will go far beyond that.

DRAFTED TO LEAD THE OPPOSITION

Mr. Chairman, I want to present something a little out of order. I am placed here to carry on part of this minority work. I think every member of the committee, at least every member of the minority of the committee, knows that I was not anxious to assume that burden at all, but was placed here at their request, possibly because I had had some experience. I speak of that in justice to myself as well as to all of the members of the committee. If I am not presenting the case properly or effectively, it is their misfortune and not mine, because I did not assume the responsibility to begin with. I have been consistent in my attitude of 12 years ago, and I hope that I shall be hereafter, because that is what I understand to be the issue. I commiserate with my good friend the chairman of the committee, Mr. FRANK REID. I have tried lawsuits for many years, as have many of you here. I never before had constantly dinned into my ears, "This is what your client is trying to do, this is a settlement that your client is making," with the newspapers coming out every morning with a new proposition of what my

"client" is doing and what FRANK's "client" is doing. We are simply presenting the facts to you. We have not any personal interest. He has made a great fight and has done some splendid work. The gentleman from Georgia [Mr. Cox] can not say anything in praise of the chairman of the committee that I will not affirm in respect to his ability and his work. The only interest we have in mind is to present to the House the facts, and yet we are both of us placed in this peculiar position: That constantly, every morning, we are advised what our "clients" are going to do. Think of the absurdity of it.

Mr. COX. It would be most unkind on the part of anybody who is familiar with the work of the gentleman from Wisconsin to question his sincerity.

Mr. FREAR. I thank the gentleman. I have differed with the gentleman from Georgia occasionally, but we differ like lawyers, and that is right. That is the only way you will ever ascertain what the facts are in legislation.

I do not know what advisers the President has had. I am not speaking for him. I have never assumed to do that, as you all know. He has been given figures, and I assume that some of them are the same figures that were given to me. He says that this is an extortionate bill in its present form. Perhaps he has modified his ideas; I do not know. I say the same information comes to me, I assume, that comes to him, excepting that I have had the additional benefit of such witnesses as have been asked questions and of the records that have been placed before us.

And I want to say this in reference to him: As to Presidents of the United States, I have served under three. Two were strong and independent men. The other was a very likeable man. I do not need to mention names. And I will say to you, my Democratic brethren, that one President whom you followed through his Cabinet officers helped to break up what is known as the public building pork barrel, although you were in the majority at the time. I can give you the names of the people who furnished the facts to me and sat over behind that desk every day. Your President was independent, and brought that about with the aid of Cabinet officers and a Republican. The man who is to-day in the White House is seeking to stand up against tremendous pressure. I know men who go there constantly, generally on one side, seeking to benefit from this legislation. I hope he will stand firm.

Politics? Yes. On the Democratic side I could tell you about a whole lot of Democratic votes that you are going to get from one city. Do you suppose that support is coming to you because of the legislation alone? Do you suppose there is any politics in it?

I wish I could stop there. But over on my side here we are alike with troubles, so that is one of the propositions mixed up in this bill—the alignment on politics, the alignment on other bills now pending before this Congress for action. We know it. I do not want to discuss it more openly, but those are the facts.

Mr. LAGUARDIA. Of course, the political alignment is significant because of its being the year 1928?

Mr. FREAR. Absolutely. Next year you will have an entirely different situation than that which exists now, and under the circumstances I do not blame you for insisting on the legislation being enacted this year.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. SIROVICH. I come from one of the large cities you speak of. A year ago I sent out a questionnaire to all my constituents, and practically all who answered voted in favor of this legislation.

Mr. LAGUARDIA. But not for this particular bill.

Mr. SIROVICH. I am going to vote for it, not because I am a Tammany man but because I believe in it.

Mr. FREAR. There may be others who will do the same; all of them, I believe.

Mr. SCHAFER. Mr. Chairman, will my colleague yield?

Mr. FREAR. Yes.

Mr. SCHAFER. There is no politics in it. The Democrats are always for State rights except when it comes to prohibition and getting money out of the Federal Treasury. [Laughter.]

Mr. FREAR. Now, the gentleman is getting outside the field that we are discussing, although I must say he is a delightful colleague to start a row.

I have not seen the maps that are to be presented by the distinguished chairman of our committee. We have agreed that when they are presented—and there are quite a number of them out here in the lobby—I may want to speak for a few moments about them.

VITAL OBJECTIONS TO THE BILL

Now the three principle objections to this bill are these: First, the commission is to be purely political; and if it is to

be political, nothing under God's heaven will stop it from hereafter yielding to every demand. That is going to be the effect of it. Next, as to this section 4, the proposition of damages. When it once goes in force you will have bills without limit presented to the United States, and you will have to try them by local juries just as you try the ownership of lands and their values. It is all to be done at Government expense.

I do not know whether my friend is here who had the colloquy yesterday with Major LA GUARDIA. I refer to the gentleman from New York [Mr. JACOBSTEIN]. He quoted the United States Chamber of Commerce as his authority. I am surprised beyond measure that a distinguished economist like the gentleman from Rochester—and I am one who has a high admiration for his ability—that he should quote the United States Chamber of Commerce and tell us how they voted on flood control. You know how they vote. When they voted against the soldiers' bonus bill the gentleman from Rochester voted for it and voted with me, if I remember correctly. When they voted for the Mellon tax bill he voted against it, with me, if I remember rightly. When they voted upon this flood bill they did not know what kind of a bill it was to be, or what kind of expense it was to be. How do they vote? They do not vote by individuals, as we all know. They vote by local organizations, and the subject is presented in a way ordinarily to suggest the vote wanted.

Mr. LA GUARDIA. The same chamber of commerce is now in this position, of urging Congress to reduce taxes by \$400,000,000 and at the same time favoring this proposition here.

Mr. FREAR. Yes.

Mr. LA GUARDIA. That shows what good business men they are.

Mr. FREAR. Yes; the chamber of commerce to-day is advocating a cut of \$400,000,000 in the tax bill. They do not know anything about it. Only a distinguished economist like my friend who was questioning Major LA GUARDIA yesterday would ever have thought of quoting the chamber here. If I am mistaken in that, I am ready to apologize.

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. OLIVER of New York. How would you fix the damages for acquisition of the property other than by local juries? Would you have any other plan than the local juries?

Mr. FREAR. No. There have been several amendments suggested, and the bill proposes a commission. It has been proposed by the gentleman from New York [Mr. LA GUARDIA] that the States undertake to secure the lands.

Mr. OLIVER of New York. That the States do it?

Mr. FREAR. Yes; and that the Government pay a part of it back to the States. Then you would have local interests protecting themselves from local witnesses in condemnation suits when the cases were presented.

Mr. LA GUARDIA. And protecting themselves from absentee landlords?

Mr. FREAR. Yes. Like a railroad company, you would have no sympathy at all on the part of local witnesses unless the local government is interested.

Mr. OLIVER of New York. Then it would seem to me that it involves simply a ring?

Mr. FREAR. No; not with a third.

Mr. OLIVER of New York. Why should not the proposition be that there should be local commissioners and have the Federal Government compensate the State?

Mr. FREAR. Why should the Government compensate the State? That is a matter for argument if you wish to have the Government contribute any part toward it.

Why should not the States which are benefited contribute their share? My State, the State of Wisconsin, is willing to give its part. Therefore why should not the States down there give something for special benefits? I am not asking that as a question, but I am offering it as an argument. Why should Wisconsin, my State, give \$10,000,000 to the States of Kentucky, Arkansas, and Louisiana? Why should we do it? We are willing to contribute our share of the total cost, and therefore I say that the States which are getting the special benefits should contribute their share. When it came to the San Francisco earthquake, when it came to the flood and great loss of lives in Los Angeles the other day, when it came to the Vermont flood, and when it came to these other calamities, the States affected exercised especial help to the communities afflicted. The local States gave what help they could, and they should do it in this case, because property values in those States will be increased from 100 to 200 per cent in all probability with complete protection.

Their lands are going to have an increase in taxable values, and they are going to get a greater return from their lands by reason of the carrying out of the project proposed.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. LA GUARDIA. If the land value is as the sponsors of the bill say it is, you would be asking the States to contribute about 10 per cent of the entire cost.

Mr. FREAR. Just about. I will say to my friend—and I am not here discussing the McNary-Haugen bill, which is a very sympathetic bill, or any other proposition that aids the farmer—I have seen within the last few years keys to building after building turned over to the banks and to mortgagees in the West; not in my State, because we are better off there. I have seen those farmers leave their places because, as Judge SEARS and others say, they have poor crops; they have everything against them; the tariff has not protected them; the railroads have been protected, but not the farmers; labor has been protected, but not the farmers; the farmers pay from two to three times as much for labor as they paid before the war, and yet they get practically the same for their products; and yet do not propose to give them anything. No one has suggested that. What we do propose to do is to loan them money, and that is as far as we go. Why are they not entitled to gifts without limit if this bill passes? Here is a proposition originally to give certain States \$292,000,000 or \$300,000,000 or whatever the amount may finally be; the proposition is not only to do that, but to give them everything else in connection with the plan if it amounts to \$500,000,000 or to \$1,000,000,000. There is no limit—only the sky.

The gentleman from Louisiana [Mr. ASWELL] yesterday referred in a rather unkind way, I thought, to those who differ with him on this subject; and I believe he mentioned the gentleman from Wisconsin as a demagogue. Does it not strike you that a man who has been before this House time after time opposing the McNary-Haugen bill and not offering anything as a substitute which would relieve the farmer ought not to speak in that tone? We are willing to do what we can; we are willing to do a great deal for his State and other States, but we do say, do not force the Government to pay it all. I think the only proposition we should consider at this time is to provide some small contribution on the part of the States that are to be relieved.

I am perfectly willing to stand on my record on this question of demagogism. In that connection you can take the average man and find out where he stands. He asks us to give everything to the State of Louisiana, and when it comes to a farm proposition which will help them, then I am denominated a demagogue when I disagree with him on flood control.

There is in the neighborhood of 4,000,000 acres to be given for this flood way. I believe it ought to be turned over to the States. I would be perfectly willing to loan money to the States to pay a portion of it, although I believe the States ought to assume it themselves. We hear a great deal of talk about Teapot Dome and the extravagance involved in that transaction, and yet I want to say to you that if this bill should go through as it was originally proposed it may cost, in the train of legislation that will follow, \$5,000,000,000 or \$6,000,000,000. I do not mean directly as the result of enacting this one bill, but I refer to other bills that will follow. Is not that something which should be called to your attention?

Now, this work is not going to be carried out this year nor next year. It will take 10 years or more.

You are not attempting at this time to pass a bill which will cover all of those questions. You are not going into the question of reservoirs and you are not going into the question of tributaries, and I say to you that if we find the predictions verified as it comes to us from the engineers, you gentlemen who are interested in reservoirs and tributaries are going to be the ones to regret it, because I believe it is going to do more than all else to block the proposition you have.

Mr. OLIVER of New York. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. OLIVER of New York. If the States do not contribute and the Federal Government pays it all, would it not cost as much in the end anyway if you have an adequate system of control?

Mr. FREAR. No; because, on the same theory, if you are going to acquire a piece of land and you go into the place where they are all looking for every dollar they can get, they are going to stick you for every dollar—to use that expression. If the Government lets the other fellow buy it and then pays part of it, and he pays part of it, and he is a man who lives in the community, every man knows what the effect is to lessen the cost. I believe that is every experience.

Mr. OLIVER of New York. But is not the land acquisition a small amount in comparison to the \$5,000,000,000 or \$6,000,000,000 that the gentleman from Wisconsin suggests is the estimated amount it will cost?

Mr. FREAR. I did not mean that would be the cost in this case, and I want to emphasize that. I hope the gentleman will not go out and say I said it was going to cost \$5,000,000,000 or \$6,000,000,000. I was not referring to this case when I used those figures. I was referring to the expenditures which would be required by the train of bills which would follow in connection with reservoirs and tributaries. I hope I have made myself plain to the gentleman on that proposition.

Mr. HASTINGS. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. HASTINGS. Reverting to the argument the gentleman made against a board of civil engineers, what does the gentleman say about its being political? What does the gentleman say about the Interstate Commerce Commission, the Federal Trade Commission, and the—

Mr. FREAR (interposing). Just a moment. Please argue it in your time. Ask me a question and I will answer it.

Mr. MAJOR of Illinois. Will the gentleman yield?

Mr. FREAR. No; I am going to answer this other question of the gentleman from Oklahoma first.

I have disagreed with the Army engineers possibly as much as any man on this floor, as some of you gentlemen know, but I never disagreed with them as to their ability; I never disagreed with them as to their honesty of purpose; it has always been that they have not stood up; that they have not withstood the assaults that have come upon them from localities, that they have not been able to do so.

Here is an example of what you would have all the way through if civilian engineers are chosen. You will have 100 names presented to the President for the two places for appointment on the commission, and as soon as outside interests get political control of the commission—and that is certain to come—you know what would happen. That is a result that would naturally follow, for hundreds of millions of dollars in levee bonds are then to be backed by the Government.

These Army engineers are capable and they have had years and years of experience.

Some one said yesterday on this floor that 200 Army engineers have passed upon this Mississippi River question in bringing in this Jadwin report. We did not have a single civil engineer present to us a single plan as against the Army engineers' plan, which was a comprehensive plan. My good friend, the gentleman from Georgia [Mr. Cox] criticized them very severely—

Mr. COX. Just what does the gentleman say of the plan presented by the Mississippi River Commission?

Mr. FREAR. They are practically a part of the Army engineers.

Mr. COX. Not all of them, by any means.

Mr. FREAR. Not all of them, no.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. MORTON D. HULL. As I have studied this bill I have found it very difficult to find out what plan is to be followed under this proposal. On the first page, it says that the plan submitted by the Chief of Engineers and printed in a House document is approved and adopted. Then I find that there is a commission to be appointed, and notwithstanding a plan has been approved and adopted, this plan is to be reconciled with the recommendations of this commission. Then I find at the bottom of that page that if this commission can not agree with the plan already adopted and approved, they are to come back to Congress. I find myself traveling in a circle on this question, and at the end of the section the sum of \$325,000,000 is authorized to be appropriated "for this purpose." For what purpose? After a plan is adopted, then it is to be reconciled with the plan of some other commission and then it is provided that if they can not agree on anything they are to come back here again. I am at sea, especially when I find \$325,000,000 authorized to be appropriated "for this purpose"—for what purpose?

Mr. FREAR. To devise a plan.

Mr. MORTON D. HULL. Why do they not start out with a plan?

Mr. FREAR. My good friend the gentleman from Illinois [Mr. MORTON D. HULL] has put in a few words, better than I could put it, the actual situation that confronts us with respect to this bill.

NO CONGRESS SHOULD DECIDE ON THE PLANS

I am prepared to say, and I believe it is fair to every member of the committee, that although we sat for many months trying to ascertain all the different plans and the influences that

would affect every plan, we finally determined we were not sufficiently expert to report a plan. We were wise in not reporting a plan. The best we could do was to recommend some agency that should determine a plan, and in this case the Army engineers had offered their plan. Anyone who attempts to go beyond this, as we discovered, would immediately be open to attack, and he would find he was simply stranded. We were wise in this respect, everyone of us, because of the experience we gained on the committee, and it was a very valuable experience for all of us, lawyers as well as others. We could talk over legal propositions, but when it came to engineering plans we were in deep water.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I yield myself 10 minutes more.

Mr. MAJOR of Illinois. Will the gentleman now yield?

Mr. FREAR. Yes.

Mr. MAJOR of Illinois. The project which the gentleman has in mind, or whatever he has in mind, is contingent upon the various States contributing, is it not?

Mr. FREAR. That would be one of the suggestions.

Mr. MAJOR of Illinois. What will happen if one or more States refuse to contribute?

Mr. FREAR. That is a very fair question and is one that has been propounded here several times. I can not conceive of any State not contributing; but I am going to assume, for instance, that the State of Missouri would not contribute. I know the State of Illinois would contribute because they pay their part always, but the State of Missouri, it is said, will not do so.

You are going to have 10 years before you can complete your project. I asked this same question, and it is a very fair question and was one of the first questions I propounded to the Army engineers. I said, "Give me an answer to the question of failure of any locality to contribute." I wanted to know about it, and I presented that same question in the committee several times. I put the answer of the Chief of Engineers in the RECORD with my remarks when we first began this debate. Briefly, as before stated, the Government will complete any necessary link in the chain of levees but would not otherwise protect low-valued lands without contributions.

Now, here is an important consideration in connection with that question. Examine the answer and see if you can find a flaw in it. It is to this effect. For a year or more they have got to complete the plans they now have in building up the levees and doing all the necessary work, thereby giving States the opportunity of making their contributions. If they do not contribute so far as they can, then they are going to protect first the property that is most threatened and that is of value. If it is property worth only \$5 to \$10 an acre, as my good friend from Louisiana has said, I say the Government of the United States ought not to pay \$25 an acre to save such \$5 lands; but if it is a part of the connecting link of the plan, they have got to do it.

I have an amendment which I want to offer that provides, first, that any State or any locality, if you so decide, that wishes to raise money and has not the means can borrow from the Federal Treasury from the Secretary of the Treasury at low rates of interest for a long period of time in order to contribute its share.

If they refuse—which it is almost impossible to conceive—then the Secretary of War may have the right, where he finds it is necessary and essential to the plan, to go on and complete it.

Mr. MAJOR of Illinois. If the State refuses, the Government may go on and complete it.

Mr. FREAR. If it is absolutely necessary, as you propose to do now. The gentleman, in the remarks of the gentleman from Illinois [Mr. DENISON], I believe, wanted to know what I had done in my objections for legislation. I may not have accomplished much. I did hold up some bills that I thought were bad bills and we defeated them. One was the public building bill and two were in different river and harbor bills that were bad. I can tell the gentleman some things that were stricken out and never put back. I have tried to do some things that are of value. It may be that I exaggerate the importance of them, but after the gentleman and I have been here longer, perhaps he would not ask anyone what a man has done in the way of legislation in Congress. I think he is a valued Member even in the short time that he has been here.

Mr. MAJOR of Illinois. I wanted to know how you were going to compel the local contribution.

Mr. FREAR. I know; but I was talking about the remarks the gentleman made about me yesterday. I gave the gentleman the answer to that question, but apparently he did not understand me. Read the letters that I have put in the RECORD.

Mr. RAGON. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. RAGON. If I understand the gentleman correctly—take Arkansas, for instance.

Mr. FREAR. Arkansas suffered seriously, I know.

Mr. RAGON. Suppose Arkansas could not pay. Do I understand that the Government will go on and construct it irrespective of any legislative action by Arkansas?

Mr. FREAR. The gentleman will remember that Arkansas is not 5 or 10 miles long, but several hundred miles long. The project is not going to be affected by 5 or 10 miles unless it holds up the whole proposition. If it is a part of the entire project, if it can not be eliminated, the Government eventually in the 10-year project will have to build it if Arkansas refuses. As the gentleman from New York proposes, we will loan Arkansas the money. Surely they can borrow the money. I fully appreciate the situation; Arkansas has a worse situation than has Louisiana.

Mr. RAGON. That is the important point. The gentleman concedes that they would have to have some legislative action.

Mr. FREAR. Yes.

Mr. RAGON. As I understand, under the distributary proposition it would receive only 8 per cent under the Jadwin plan. You give them very little relief.

Mr. FREAR. I think the people of Arkansas would be loyal and patriotic as the people of Missouri and Wisconsin or any other State. They would be so when they realize it is for the protection of their own people and their own properties, and if they did not see fit to do it I think the Government would do it if a necessary part of the plan. I would not for a moment expose to danger any particular unit if that unit itself needed protection.

Mr. RAGON. What machinery would you use in the case of Arkansas?

Mr. FREAR. It could be allocated by the territory that is to be protected. It would raise the taxable values, which would enable the State to do it rather than have the Government pay it all.

Mr. COX. Will not the gentleman concede that the Government has the taxing power?

Mr. FREAR. Yes; but I can not conceive of any State that would not borrow the money if the Government of the United States would loan it to them under the amendment which will be offered.

Mr. COX. But suppose the State is disinclined to accept it.

Mr. FREAR. It is impossible to conceive of that.

Mr. COX. If the State did not cooperate for any reason they may have, you would not favor flood control?

Mr. FREAR. Only in certain cases where it is necessary, as stated, to complete the plan; not for valueless land.

Mr. COX. Would not the gentleman concede that it is necessary to protect all of the land?

Mr. FREAR. Oh, no. Some land that is worth only \$5 an acre I do not think should be protected by the Government of the United States at an expense of \$25 an acre. I have so stated repeatedly. It is not necessary for the completed plan to buy all of this property. If the gentleman from Georgia will kindly read the report of the Army engineers, whom, I understand, he denounces—but I want him to be fair, because I think he is fair—he will see what they say, and then he can question it as well as myself.

OBJECTIONS TO THE BILL NOT MET

Mr. COX. I agree with the gentleman in much he says in the way of criticism of this bill. For myself, the bill presented by the chairman of the committee best expresses my views, and I take it with the exception of the provision as to the manner in which the cost shall be paid, it best expresses the views of the gentleman.

Mr. FREAR. The bill presented by the chairman of the committee, without any reflection, reported \$325,000,000. When we offered it to the Army engineers they said that it would cost a billion four hundred million dollars, and that was because of gauge heights fixed at Cairo, at Arkansas City, and at New Orleans.

Mr. COX. Neither the Chief of Engineers nor any of the other representatives from the War Department gave any testimony before the committee with reference to the execution of the plan submitted by the Chief of Engineers.

Mr. FREAR. No authority, to my knowledge, before the committee ever suggested the gauge heights that were put into the committee bill and that the gentleman voted for.

Mr. COX. No.

Mr. FREAR. That was my difficulty. We did not know what the expense would be, and when we submitted the question to the engineers they told us.

Mr. COX. But the Chief of Engineers never at any time hinted or intimated that the cost of the execution of the plans that he offered would be anything like the amount which the gentleman now states, upon information, as I understand it, given by the Chief of Engineers.

Mr. FREAR. No; because under his proposition the localities and the States were to furnish the money.

Mr. COX. Contribution from the localities would make up a part of the cost.

Mr. FREAR. That was part of his plan.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. FREAR. For a question.

Mr. WILLIAM E. HULL. I want to ask the gentleman a question to get in my own mind what he wants to do. What is the gentleman's proposition—to make complete flood control for the whole section down there or just through the Mississippi River? Which is it?

Mr. FREAR. What does the gentleman mean by "for the whole section"? All of the tributaries?

Mr. WILLIAM E. HULL. All of the tributaries, because the gentleman understands that the tributaries furnish 60 per cent of this water.

Mr. FREAR. This bill does not propose to do that.

Mr. WILLIAM E. HULL. I am asking the gentleman what his idea is. I am trying to get what you want.

Mr. FREAR. What I want to do is this: I want to relieve the people down in the lower Mississippi Valley from the danger to life and property that exists right now. They ought to be taken care of, and then afterwards we can take up this question of the tributaries, which to my mind is an important question; but at this time we can not propose to settle that matter, because if we do we will have to settle the question of reservoirs and other matters at this time.

Mr. WILLIAM E. HULL. That is what I am trying to get at. I was down there when the flood was at its crest.

Mr. FREAR. Oh, just ask a question, and never mind about the flood.

Mr. WILLIAM E. HULL. Are you ready to have me ask you now?

Mr. FREAR. Yes.

Mr. WILLIAM E. HULL. What I want to know of you is this: Do you propose to make flood control just through the Mississippi or do you propose to make flood control that will take care of such rivers as the Arkansas, the Red, the White, the Missouri, and those which furnish 60 per cent of the water?

Mr. FREAR. In this bill?

Mr. WILLIAM E. HULL. No; I ask you what you propose.

Mr. FREAR. This bill is before us. The question of what I propose to do with the flood control generally has nothing to do with it. I may propose to join in some reservoirs away up in Nebraska before I get through. At this time I am interested only in this bill and am insisting that the Government should not undertake an expense of upward of a billion dollars on this one project.

Mr. WILLIAM E. HULL. The gentleman has spoken several times. He ought to have something in his mind as to what he proposes to do.

Mr. FREAR. Yes; I have. I am not going to shift my position. The gentleman proposed a contribution of one-third in his argument the other day.

Mr. WILLIAM E. HULL. Yes; I did that the other day. The trouble is that the gentleman has not yet told us what he proposes.

Mr. FREAR. I do not know what the gentleman proposes.

Mr. WILLIAM E. HULL. The gentleman is the one who is doing the proposing.

Mr. FREAR. I refuse to yield further, because we do not get anywhere with such a discussion. I am in this position: The bill is before us. The gentleman may as well ask me what my views of the stars are. On this question I am in favor of relieving you people down in the South, but ask for local contributions.

Mr. WILLIAM E. HULL. How do you propose to do it?

Mr. FREAR. You do not know how you propose to do it in Illinois?

Mr. WILLIAM E. HULL. I am not talking about Illinois.

Mr. FREAR. Oh, you will after a while, when you come to us for help there; and I believe there are some things in Illinois that should be taken care of.

Mr. WILLIAM E. HULL. But you ought to have some way of telling us what you want done.

Mr. FREAR. I have discussed it repeatedly. I could not tell you in a minute, and the gentleman knows it, and that is the reason he asks the question. The gentleman would not ask

it as a reasonable question. He could not answer it himself, if I understand his question as to tributaries.

Mr. WILLIAM E. HULL. I could if I took as much time as the gentleman has.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, I wish to refer briefly to the statement which the last speaker made, in which he announced, with great passion, that the entire Tammany delegation from the State of New York was going to vote for this bill.

Mr. FREAR. I will yield the gentleman a minute more, so as not to take his time. I wish to say that I have heard that statement. I trust it is true.

Mr. O'CONNOR of New York. I do not know from what source the gentleman gets his information, but so far as I personally know I think he makes a pretty good guess. [Applause.] And I will tell him why. It is because up to the time this bill was brought on the floor of this House it never had been suggested by anyone in any responsible quarter, so far as I know, that this great flood of 1927 was anything less than a national calamity. The Mississippi River does not belong to any State. It does not belong to Illinois, or to Missouri, or to Louisiana. It belongs just as much to us in New York, who are as far removed from it as any people in this Union. Why, gentlemen, whenever there has been a great calamity affecting any part of this country, the first place to which the eyes of the afflicted people of that community have turned has been the State of New York. The State of New York has always been willing to contribute to alleviate the sufferings of the people of other sections of this country. It has never been parsimonious. It represents a liberal section of the country.

I can not follow some of the arguments that have been made against this bill. I can not follow them now any more than when it was before the Committee on Rules, of which I am a member. I can not see why the people who happen to live along this great river, which serves the entire Nation, should bear any part of the cost of it, for the reason that anything that is done there is going to relieve a situation which will contribute to the whole Nation and not alone a part of it.

I was interested in hearing the gentleman from New York [Mr. LAGUARDIA], the only alleged Republican left in the city of New York—there are only 18 Republican Members from the whole State of New York out of a total of 43—switch his position and say now that he wants the Southern States to contribute to the cost of this great national improvement. I know positively that does not represent the sentiments of the constituents of the gentleman from Harlem, or the people of the city of New York, or the people of the State of New York. [Applause.]

This fear expressed here to-day that the Federal Government is not able to take care of itself in condemnation proceedings strikes me as something that never should fall from the lips of a lawyer. This indictment of the people of the South, that their local juries in the South are not composed of patriotic citizens of this country, should be stricken from the Record.

The assertion that the local juries of the South will mulct the Federal Government in condemnation proceedings and would make awards higher than in the case of proceedings started by the State or local communities is a false slander upon the great patriotic people of the South.

Mr. LAGUARDIA. The gentleman from New York has had some experience of what has happened in New York City in condemnation proceedings under a Tammany administration.

Mr. O'CONNOR of New York. Oh, the people of New York City have given evidence on many, many occasions of their complete satisfaction under a Tammany administration. [Applause.] The gentleman is the last survivor of the old crowd, and he is not going to survive very much longer. [Laughter.]

Mr. LAGUARDIA. What price nomination? [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. O'CONNOR of New York. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Without objection, the Chair will recognize the gentleman for one minute more.

Mr. O'CONNOR of New York. Mr. Chairman, if I interpret correctly the insinuation contained in the gentleman's remarks, at least this can be said of the members of the Tammany delegation in this House: If there were any price connected with the nomination, as everybody with reason knows there is not, they never would go shopping from one party to another to get a bargain price. [Laughter and applause.]

Mr. FREAR. Mr. Chairman, I yield myself one minute, if I may, to respond briefly to the distinguished gentleman from New York [Mr. O'CONNOR], who has just spoken. He certainly threw a wonderful bouquet of flowers to the South. He has been in the South. It ought to bring political support for his candidate. But my indictment holds good, as my colleague says, as to the city of New York. The gentleman is a lawyer, and I know he is a capable one. You will find they will hold you up so far as they can in condemnation proceedings through the whole State of New York. It is not a question of North or South, but a question of human nature with which we are dealing.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Just for a question.

Mr. O'CONNOR of New York. To clear you up on the question.

Mr. FREAR. No; I am cleared up perfectly. I understand the situation perfectly.

Mr. WINGO. Where does the gentleman get the idea that the political support of the South was a matter of barter and sale? Have we not demonstrated throughout our history our fidelity to principle by standing out in the cold for years? The gentleman has made the suggestion that we can be bought and sold like cattle.

Mr. FREAR. Oh, no.

Mr. WINGO. You made that intimation.

Mr. FREAR. Let me have one minute more, Mr. Chairman. If the gentlemen from the South can show their sympathy at this time, I do not think the gentleman from Arkansas or anybody else would mean to say that they are willing to be bought or sold.

Mr. WINGO. What other reason could the gentleman have had in his taunt to the gentleman from New York, that that ought to get him support in the South? The gentleman's suggestion was that. To what does he refer when he intimates that we in our history in the South have merited the reflection that we are open to barter and sale?

Mr. FREAR. The disposition will be to take all of that organization in the city of New York and throw its influence for a good candidate from New York, knowing that the South naturally will be in sympathy with it.

Mr. WINGO. The gentleman from Wisconsin is the last person on earth who should suggest that I have shifted my position.

Mr. FREAR. I have never suggested any such course on the part of my Democratic friends in the South.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. REID of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. DRIVER].

Mr. DRIVER. Mr. Chairman and gentlemen, it certainly is my hope that this House will not understand from the references the gentleman made to the present political situation or to the pendency of certain measures that the flood control bill which is now pending before this body, and which is of such vital interest to the people along the Mississippi Valley, should be hazarded on the fortunes, good or bad, of such political or legislative matters. For one who is vitally interested I want to say to you that I have made no alignment politically or with reference to pending legislation. I am here for the purpose of presenting as forcibly as possible and as fairly as I may the demands of the imperiled section for which this bill is proposed. I do not believe that the salvation of the people in the lower Mississippi Valley should be made dependent upon the fact that a few corporations in Chicago and elsewhere a great many years ago saw proper to locate in that valley a certain amount of their money by way of investment, nor do I believe, gentlemen, that the fact that no evidence was offered before the committee as to the value of certain property in what may become spillways or flood ways for the protection of the valley should be charged against the right of those people to make a plea for some measure of protection. I want to say to you that there is absolutely no foundation in fact for the figures which have been offered to you as to the great amount of money that it will cost to provide the land in the proposed flood ways. I am going to say to you in all frankness that there is no justification except in the imagination for offering to this House figures which are entirely unsupported by anything in this record. Judge Wilson has communicated with these land owners, and I am glad he has, and offered to you the exact values fixed by the owners of the property in the flood ways. Here is where the gentleman from Wisconsin [Mr. FREAR] secured his figures, and I am going to ask him to indicate whether or not I am correct. In the extreme north end

of the flood plain there is the highest development in the Mississippi Valley. That is conceded by everyone and the record reflects it. The lands in southeast Missouri are the most valuable in all the Mississippi Valley. There is proposed a flood way through those lands for the benefit of Cairo, Ill., and Cairo needs all the protection that may possibly be afforded, for their property and lives are in immediate danger beyond any question of a doubt. The levees are built there as high as conditions justify. Because the people in southeast Missouri do not want that flood way, and they do not want it, they testified to the value fixed on the highest developed land in the Mississippi Valley, and that has been used as a predicate upon which to base the value of those cheap lands in the flood ways in Louisiana. Now, Mr. FREAR, is that not a fact?

Mr. FREAR. I will say that the Mississippi River Commission values these flood-way lands at about \$100,000,000.

Mr. DRIVER. Ninety-one million dollars, my dear sir.

Mr. FREAR. Ninety-one million dollars; and I am sure they have not exceeded the real value they will have to pay; and they are not, of course, the Jadwin figures—

Mr. DRIVER. Jadwin made no figures. The Jadwin plan carried no figures.

Mr. FREAR. No; but the estimates he made—

Mr. DRIVER. The estimate was made by the Mississippi River Commission, and no one has discussed any value with respect to these particular lands outside of the estimate made by that commission.

Mr. FREAR. Oh, yes.

Mr. DRIVER (continuing). Which I know will be entirely sufficient and more than sufficient to cover every dollar of the value that it will be necessary to invest there to provide these auxiliary methods proposed under the suggested plan of protection.

Mr. FREAR. Let me say to the gentleman that the Army engineers have the quantity of land owned by 7,500 people who are on these two flood ways, and they based their answer to the question I put to them on the examinations they had made.

Mr. DRIVER. Yes; but no estimate of value was placed in the record except as fixed by the Mississippi River Commission.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. DRIVER (continuing). Let me say further to the gentleman from Wisconsin [Mr. FREAR] there is not a man who owns land in the flood ways of Louisiana that wants those flood ways provided there. This is building no value for those people there. The only advantage that inures is the fact that it is held in large tracts and in large ownership, for if you take property improved by the individual, with the sentimental value that is always thrown around his home, you do have a value to deal with that will possibly be something more than the actual value of the land involved, but you will not say that to the owner of a large body of land that has some compensating features.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. DRIVER. Yes; with pleasure.

Mr. JOHNSON of Texas. And does not the bill also provide that instead of having juries to assess the damages the Federal court shall appoint three commissioners, who shall determine the values, and that their judgment shall be final?

Mr. DRIVER. Yes; and I want to say to you that I will support any amendment that may be offered to this bill that will provide the machinery to insure a fair measure of value for these lands.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. DRIVER. I want to say to you further that I am willing to support any measure that any of the opponents of this bill or its friends will offer that will reduce the question of damages to the railroads or to any firm, person, or corporation that has an element of damage to be dealt with.

The people who are asking you for protection are not trying to present to you a pork barrel. We are trying to keep anything that looks like something unfair out of this measure, and I appeal to every Member who will not support this bill, if that has not been the attitude all the way through on the part of those whose very lives and properties are involved in your action in respect of this matter.

Let me say to you gentlemen, you can not divide the protection of the Mississippi Valley by States, counties, or sections. It is a connected, and necessarily a consistent, improvement.

Let me give you an illustration; and I am sorry I have not the time to go more thoroughly into this. In the State of Missouri, north of my home, is a levee district that was not able to construct levees to resist the pressure brought against it in the flood of 1927, but our levees held, and yet because of a bankrupt condition in the State of Missouri, to the north of me, there was a crevasse in its line of levees and the flood waters poured into my district and created a damage of \$8,500,000 and

destroyed lives of people behind that levee who had invested their money to build securely for themselves. Without the flood ways in Louisiana, Mississippi, Arkansas, and Missouri go down, and tell me that a section of your Nation with 4,500,000 acres of land only in cultivation can stand the shock of a loss of \$300,000,000 in one year in the face of conditions that prevail generally in the agricultural regions of the Nation; and tell me that they will be able to make further contributions for the protection of their lives and their property! Gentlemen, you are dealing with this problem on a money basis when other things are involved that are more important. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. DRIVER. Can the gentleman yield me one minute more?

Mr. REID of Illinois. I yield the gentleman two minutes more.

Mr. DRIVER. Due to the time—I am trying to embrace everything I can—

Mr. FREAR. Let me yield the gentleman three minutes. I believe the gentleman is entitled to it.

Mr. DRIVER. I certainly appreciate that, Mr. FREAR. Your courtesy has been constant throughout our labors, and I appreciate it.

I want to say that I respect the views of the gentlemen who are opposing this plan, but this is what I want to impress upon you. There is not one section of our Nation that is devoted exclusively to agricultural pursuits that can stand the shock of the loss that was suffered by the acreage I have mentioned to you in the Mississippi Valley and be able to rehabilitate themselves by the most determined and energetic efforts within a period of 10 years.

This 4,500,000 acres of land, my friends, to-day carries the burden of liens of \$450,000,000, spent in a determined effort to protect themselves, without calling for the aid of any force on the face of the earth. The financial interests have withdrawn from that territory. We can not negotiate a bond to-day, neither can a single landowner increase the amount of the liens against his property. Then tell me that these bankrupt and prostrate people shall be called upon to provide the means by which their lives can be protected and their property rehabilitated and brought into a condition to enable them to pursue the ordinary affairs of this life.

Why, gentlemen, one-half of the land that was flooded last year remains idle the present year and will not return a dollar of money. The houses were swept from their foundations, teams and food and everything on earth they possessed went into the Gulf of Mexico, and the reconstruction of the property is a matter of years of hard work. There are other features not mentioned, like the loss of labor. Out of 700,000 people that were affected and crowded into refuge camps fully 25 per cent of them were forced to resort to industrial centers in order to find means of livelihood. They are there to-day. The farms are without tenants. They are without houses. These lands must be reimproved. Labor organizations must be reformed before they can continue activity and maintain what little equity they have in the land in that area.

Mr. COLTON. Will the gentleman explain the difficulties with reference to the constitution of the State?

Mr. DRIVER. Their constitutions will be required to be changed, and by the time that can be done there would be nothing left of that for which we are now making provision for protection. [Applause.]

The devastated people of the Mississippi Valley are seriously disturbed over the congressional situation with respect to flood control. They received assurances while the mad waters were surging, overtopping, and crashing through the protective works representing the sum total of their energies through the course of history, wresting from their foundations their homes and destroying their livestock, feed, tools, and equipment provided for the necessary and useful operation of their properties. These assurances, conceived to be from authoritative sources, were like cooling draughts in the fevered hour of suffering. The keenness of distress was allayed, the spirit of hopelessness was turned into one of faith and determination to return to their barren acres and commence the work of rehabilitation, the necessity for which had so often presented itself and so frequently availed that only a major catastrophe as was hurled upon them in 1927 could utterly destroy.

History is replete with instances of great duration of wars between people, the outstanding one covering a period of 100 years. The supply of men, munitions, and food is the determining factor in such tests of endurance and conclude the issue between warring nations without reflecting on the courage of the participants, but the struggle in the Mississippi Valley, which is attended by all of the elements of war, has been persistently prosecuted with unrelenting vigor and undaunted courage for

211 years, but it must be conceded that the munitions of war are exhausted and the gallantry of the defenders of that vast domain has failed in purpose, without a definite program for adequate protective works provided by the National Congress.

The wonder is that in the face of an unequal struggle such determination could have so imbued mere man that he would be unwilling to relinquish the task. The answer, of course, is a want of appreciation of changed conditions which the pursuit of progress has inevitably and consistently produced, carrying with it greater burdens in every step upon those battling elements of the valley. It is strange, indeed, to he who lives in the present hour that the dweller in the alluvial valley failed to appreciate the meaning of continued developments in the great breadth of country comprising 1,240,900 square miles and aggregating 794,176,000 acres of land, extending from the lower areas of two Canadian Provinces through the very heart of the Nation, and from the continental divide to the high peaks of the Appalachians, covering in whole or part 31 of the sovereign States of the Union, and draining 41 per cent of its area. This flood plain is divided into six distinct basins designated as the upper Mississippi, including Minnesota, Michigan, Wisconsin, Iowa, Illinois, and a portion of Missouri, and containing 165,900 square miles, with an annual rainfall of 30.9 inches; Missouri Basin, including North Dakota, South Dakota, Nebraska, and a portion of Kansas, Missouri, Wyoming, Montana, California, and Utah, containing 527,100 square miles in extent, with an average annual rainfall of 20.7 inches; the Ohio Basin, including Indiana, Ohio, Kentucky, Tennessee, and a portion of New York, Pennsylvania, Wisconsin, and Alabama, containing 201,700 square miles in area, with an average annual rainfall of 44.2 inches; the Arkansas Basin, including parts of Arkansas, Missouri, Oklahoma, Kansas, New Mexico, and Colorado, comprising 186,300 square miles, with an average annual rainfall of 29.8 inches; the Red River Basin, including a portion of Arkansas, Louisiana, and Oklahoma, 90,000 square miles in extent, with an average annual rainfall of 38.3 inches; and of the Central Valley, including portions of Illinois, Missouri, Arkansas, Mississippi, and Louisiana, with an area of 69,000 square miles, and an average annual rainfall of 48.8 inches.

When De La Tour, the French engineer, conceived the levee system as a protective measure for the newly founded city of New Orleans the Mississippi Valley was an abiding place for the buffalo and Indian, covered with forests and with pools and sluggish streams, into which the waters accumulated and through slow processes wended their way sluggishly to the Gulf, but the adventurous spirit of the pioneer brought him across the mountains and the plains, where he found a situation inviting, and located his habitat and commenced to fell the forests and to drain the pools. He removed the humus and constructed boats with which to carry his produce to the market and demanded the straightening of the stream, thus accelerating the velocity of the waters. As others joined with the early settlers the development swept inland, carrying the demands and accomplishments of development until the people had built cities and towns and paved them on the main stem of the river and all of its principal tributaries and built roads and drained them, and the commerce grew and navigation improved and more drainage was provided, more creeks and small rivers were straightened, and more forests were felled. Boards of health were organized, with advice to the people to provide more efficient drainage by eliminating the stagnant pools and other places where the waters were accustomed to accumulate until the flood heights assumed dangerous proportions, flowing over the agricultural land of the valley and threatening destruction. The only answer available to the limitations imposed upon the threatened people was levees and more levees. The valley could not stay the hand of progress. They could not provide against reclamation in the upper reaches, but they thought they could fend against it. They strengthened their levees, using the dollars inuring to them from the operation of their property interests to build them broader and taller; but when the floods came the levees were breached and overtopped, and their accumulations were swept away. Their conception following the disaster was that the levees had not been constructed sufficiently wide or to the necessary height. So, when the burden became too heavy for the individual landowners to bear, they organized themselves into levee districts, with authority to charge the cost of the protective works against their land, and with this means of support they built their levees broader and made them stronger and higher, continuing their developments behind them and feeling secure they rebuilt their improvements, restocked their farms, and commenced the struggle anew, investing as usual their accumulations in the levees and in new improvements; and the flood crests reached new heights and their levees were destroyed and their improvements swept away. They issued bonds, secured additional money, increased

their tax rate, and built their levees larger and better; and so it has been, as rapidly as they could accumulate and strengthen as frequently came the floods, with greater crests, and wiped them out.

The alluvial plane of the Mississippi extends from Cape Girardeau in Missouri to the Gulf of Mexico, a distance of 1,100 miles, and is an average of 50 miles in width, divided into seven basins, to wit, the St. Francis, in Arkansas and Missouri, comprising 6,706 square miles; White River, in Arkansas, 956 square miles in area; the Tensas, in Louisiana, with an area of 5,370 square miles; the Atchafalaya, in Louisiana, containing 6,085 square miles; the La Fourche, comprising 2,024 square miles; the Ponchartrain Basin, comprising 2,001 square miles; and the Yazoo Basin, in Mississippi, comprising 5,648 square miles.

This area also includes the delta sections of Illinois, Kentucky, and Tennessee, in all aggregating 29,790 square miles, and containing 19,065,600 acres, subject to overflow, and all comprised in levee districts except the extreme lower rim of Louisiana, the marsh area, practically on sea level immediately along the Gulf shore, and the unleveed basins on the east bank of the Mississippi in front of Tennessee, covering 487,000 acres, and a like basin south of Natchez in Mississippi, comprising 700,000 acres, leaving 17,456,647 acres embraced within the 34 levee districts existing within the alluvial plane, with approximately 5,000,000 acres of such land in a state of cultivation.

The levee districts are as follows:

Illinois: Cairo Levee and Drainage District, embracing 6,436 acres, including the city of Cairo, with a population of 15,000, and has 5,793 acres in cultivation; with bonds outstanding amounting to \$50,000.

East Cape Girardeau and Clear Creek Drainage and Levee District, containing 9,381 acres, with 8,911 acres in cultivation; bonds outstanding \$43,697, and \$200,000 in real-estate mortgages.

Sny Island Levee and Drainage District, with an area of 110,000 acres, 95,000 acres in cultivation; bonds outstanding \$175,000, with real-estate mortgages amounting to \$750,000.

Kentucky: Fulton County Levee District, containing 25,000 acres, and including the city of Hickman, with a population of 10,000, with 20,000 acres in cultivation; bonds outstanding \$104,000, and \$750,000 in real-estate mortgages.

Tennessee: Reelfoot Levee District, embracing 52,359 acres, with 41,559 acres in cultivation; bonds outstanding \$139,000, and \$410,000 in real-estate mortgages.

Missouri: Levee District No. 3 of Mississippi County, containing 73,716 acres, with 64,575 acres in cultivation; bonds outstanding \$1,414,000, and real-estate mortgages \$2,500,000.

Scott County Levee District, with 43,000 acres, 40,000 acres in cultivation; bonds outstanding \$86,000, and real-estate mortgages \$800,000.

St. John Levee and Drainage District, containing 206,000 acres, with 100,000 acres in cultivation; bonds outstanding \$1,220,000, and \$4,750,000 in real-estate mortgages.

St. Francis Levee District, embracing 399,000 acres, with 230,000 acres in cultivation; bonds outstanding \$1,552,500, and real-estate mortgages \$9,975,000.

Mississippi Board of Levee Commissioners' District, containing 1,614,066 acres, with 701,346 acres in cultivation; bonds outstanding \$3,025,000, and real-estate mortgages totaling \$36,011,142.

Yazoo Mississippi Levee District, containing 2,558,386 acres, with 1,186,451 acres in cultivation; bonds outstanding \$4,441,000, and \$60,000,000 in real-estate mortgages.

Arkansas: St. Francis Levee District, containing 1,604,729 acres, with 1,185,000 acres in cultivation, \$5,786,000 in bonds outstanding, and \$10,000,000 in real-estate mortgages.

Helena Improvement District, containing 2,070 acres, with 550 acres in cultivation, and \$174,000 in bonds.

Laconia Levee District, No. 1, containing 50,000 acres, with 15,000 acres in cultivation, outstanding bonds, \$365,000, and real-estate mortgages amounting to \$200,000.

Laconia Levee and Drainage District, containing 64,103 acres, with 25,640 acres in cultivation, \$336,500 in bonds and \$725,000 in real-estate mortgages.

Cotton Belt Levee District, containing 138,000 acres, with 52,558 acres in cultivation and \$282,500 in bonds.

White River Levee District, containing 110,000 acres, with 60,000 acres in cultivation, bonds outstanding, \$1,197,000, and real-estate mortgages, \$434,350.

White River Levee and Drainage District, containing 168,900 acres, with 50,670 acres in cultivation, with \$1,250,000 in bonds and \$850,000 in real-estate mortgages.

Southeast Arkansas Levee District, containing 727,264 acres, with 290,905 acres in cultivation, \$2,776,500 in bonds, and \$5,000,000 in real-estate mortgages.

Farely Lake Levee District, containing 100,060 acres, with 40,000 acres in cultivation, \$1,639,000 in bonds, and \$6,500,000 in real-estate mortgages.

Little Red River Levee District, containing 14,900 acres, with 3,100 acres in cultivation, \$142,500 in bonds, and \$45,000 in real-estate mortgages.

Louisiana: Fifth Louisiana Levee District, comprising 1,490,262 acres, with 594,432 acres in cultivation, bonds outstanding, \$2,620,000, and \$12,500,000 in real-estate mortgages.

Texas Basin Levee District, containing 1,216,647 acres, with 272,116 acres in cultivation, bonds outstanding, \$646,000, and \$3,500,000 in real-estate mortgages.

Caddo Levee District, with 200,000 acres, including 125,000 in cultivation, bonds outstanding \$196,300, and \$6,000,000 in real-estate mortgages.

Saline Levee District, containing 34,000 acres, with 7,000 in cultivation, \$100,000 in bonds, and \$250,000 in real-estate mortgages.

North Bossier Levee District, containing 16,000 acres, with 12,800 acres in cultivation, bonds outstanding, \$18,000.

Bossier Levee District, containing 102,268 acres, with 55,007 acres in cultivation, bonds, \$112,700.

Red River and Bayou des Glaises Levee District, containing 195,000 acres, with 10,000 in cultivation, bonds outstanding, \$300,000.

Red River, Atchafalaya, and Bayou Boeuf Levee District, containing 661,000 acres, of which 370,000 is in a state of cultivation, against which a bond issue of \$1,410,000 is outstanding, with \$10,000,000 in real-estate mortgages.

Grand Prairie Levee District, with 360,000 acres, of which 50,000 is in cultivation.

Atchafalaya Levee District, containing 3,000,000 acres, with 1,000,000 in cultivation, against which a bond issue of \$3,351,100 is outstanding, with \$20,250,000 in real-estate mortgages.

La Fourche Levee District containing 1,044,000 acres, of which 197,839 acres are in cultivation, against which a bond issue of \$1,500,000 is outstanding, with \$12,500,000 in real-estate mortgages.

Pontchartrain Levee District containing 480,000 acres, with 250,000 in cultivation, and a bond issue of \$1,383,865 outstanding.

The Orleans Levee District comprising 120,000 acres, with 88,000 acres in cultivation, and including the metropolitan city of New Orleans, with an outstanding bond issue of \$7,000,000.

The levee districts mentioned have constructed and maintained 2,453.21 miles of levees, and against which levee bonds are outstanding in the amount of \$43,805,451 and real-estate liens of \$205,650,492. The amount of indebtedness charged against the land is in excess of the combined levee bonds and real-estate mortgage debts, for in practically all of such districts large issues of drainage bonds are outstanding, the amount of which was not ascertained and is difficult to secure an accurate apportionment to the alluvial lands because in most instances large areas immediately adjacent to the alluvial plane are included in the existing agencies created for the purpose of providing drainage works, and which lands share in common with the lands of the alluvial belt in the expense of such improvement, but it is a fact that the drainage issues are greatly in excess of the amount of bonds outstanding for levee purposes. The actual per acre fixed lien is \$17.60 on the area within the levee districts.

On the basis of the cleared acreage which must be depended upon to provide the revenue to meet maturing obligations, annual interest charges and maintenance, is now charged with a lien of \$23.45 per acre for levee and drainage bond issues, and on the basis of the same calculation the sum of \$51.41 per acre on mortgage liens, in addition to the heavy obligations imposed through State, county, municipal, school, and road taxes. The much larger acreage denominated locally as cut-over lands, which means the area from which timber has been removed but has not been reduced to cultivation, and, therefore, nonrevenue-producing property, possessing much less value, is thereby necessarily limited in the amount of its contribution for the support of the burden, and especially is this condition true in the matter of mortgage indebtedness in the face of the ever-prevalent rule that only revenue-producing property is regarded as satisfactory security for debt, and therefore the heavy mortgage liens are applied exclusively to the cleared area.

The most highly controverted question growing out of the demand for adequate flood-control protection arises from the demand for continued contributions by the local interests. These interests as now constituted are in the nature of separate and distinct levee-district organizations, created under the authority of the laws of the States in which they exist, with power to levy taxes against the property within such districts and

through which the cost of the improvements and maintenance is secured. The extent to which such levies may be made vary according to the laws of the State of origin, with the right confined to real estate alone in Arkansas, Missouri, Illinois, Kentucky, and Tennessee, and in addition an ad valorem tax on personal property, baled cotton, and occupation in Louisiana and Mississippi.

The financial condition of the levee districts as reflected from the above statement is sufficient to convince a reasonable mind that no immediate financial contribution is possible from the units mentioned, but the story has not been told.

From these 5,000,000 acres there were 246 lives lost and there was swept by the floods of 1927, 7,879 houses, 17 gins, 118 stores, 2,997 barns, and 16,971 outbuildings, together with 12,626 horses and mules, 25,716 head of cattle, 133,174 head of hogs, 2,560 sheep and goats, 719,647 poultry, \$1,628,711 in merchandise, \$1,317,515 worth of farm implements, \$3,054,544.50 in feedstuffs, and \$4,730,627 in household goods and effects; also 58,844 houses were damaged, 2,148 stores damaged, 285 gins damaged, 11,994 barns damaged, and 36,723 outbuildings damaged. Altogether inflicting a loss on these acres, together with damages to growing crops, school buildings, lumber and cooperage industries, highways and bridges, aggregating \$236,334,414.06, without including practically \$20,000,000 lost by the railroads.

To the member representing an agricultural constituency it is not necessary to picture conditions antedating the arrival of the flood waters of 1927 to know how illy prepared these lands, devoted exclusively to agriculture, were to withstand that enormous damage. Our record is replete with conditions prevailing in the agricultural regions of the Nation. We know that the period of deflation was visited upon such areas in an unfortunate and devastating way, and that such areas have staggered under the burdens imposed through the inequalities under which agriculture suffers, and that conditions have grown worse from year to year, with the landowners adding to the mortgage indebtedness until their equities have been conveyed in trust. I challenge, especially my colleagues from that constituency, to point to any single area of 5,000,000 acres, with existing encumbrances, able to withstand the shock of the loss of \$236,000,000 of its property interests at one fell swoop, and be able to survive. Calculating from the most favorable attitude, I also challenge anyone familiar with such conditions to deny that many years would be required of most energetic action to rehabilitate that section of their areas struggling under such unfortunate conditions as would result from the staggering losses mentioned. I quote this because of frequent mention in my presence by those who seem to find difficulty in appreciating exactly the financial conditions prevailing in the flooded regions, and who seem to feel that the suggestion of the Secretary of War to the effect that possibly it may become the duty of the National Treasury to finance certain of the devastated areas through bond issues which can not now find a market. The suggestion was inspired through a genuine desire to afford relief, and it is not my purpose to criticize the spirit in which it was offered. I do say, however, with all due deference to its source and the high motive actuating its author, that such financial aid would only tend to complicate the most serious financial situation now existing, in this: That the affected levee districts find themselves without a market for their securities, the financing organizations having withdrawn from the flooded territory, and the individual landowner finds himself without a market from which to secure additional funds on his real estate with which to reconstruct and repair the improvements necessary to enable him to profitably operate his property interests.

The condition is so acute that in most instances the States have been called upon to forego the collection of their annual revenue exactions for necessary expenses of governments. Defaults have occurred and are occurring in the payment of the annual interest on the bonded debts of these districts and the landowners are unable to meet the annual interest on the mortgage indebtedness. It is entirely a matter of speculation as to the duration of time required to inspire confidence of the financiers of the country through which such agencies and individuals may secure the necessary funds with which to meet such obligations and to provide for the rehabilitation of such properties. There can be no doubt of the necessity in the near future of refunding these large bonds issues and renewing the vast debts charged against the individual holdings, and in so doing the bond issues required to meet the contributions demanded would tend to destroy the very foundation upon which their relief must depend, and sweep from those who have the courage and determination to remain and struggle through in reliance upon the promise of national aid, every vestige of interest upon which that aspiration is based.

Another suggestion which contributes to the immediate danger of the financial structure is founded in the proposed plan of control. The works outlined in both the report of the Mississippi River Commission and of the Chief of Engineers are based upon a presumed superflood 25 per cent in excess of the 1927 flood crests if the waters at that time had been confined. In such plans the levee only theory is discarded and flood ways and spillways are provided as an auxiliary system to levee control, and it is further provided that at the junction of the tributary streams with the Mississippi River channel large areas are to be left open for the purpose of creating permanent storage basins, the aggregate of such backwater areas being in excess of 3,000,000 acres, about 33½ per cent of such areas, together with 25 per cent of the 2,150,000 acres proposed for flood ways, or about 1,500,000 acres of farm lands will be withdrawn as revenue-producing properties from the several districts.

One illustration will suffice to present the general influence. The southeast Arkansas levee district comprises 727,264 acres, of which 290,905 acres are in a state of cultivation. The Jadwin plan proposes to dedicate 225,000 acres of the lands of such district to the Boeuf River flood way. This land is now charged with levee and drainage liens equal in acreage to the other lands of the district. It comprises slightly more than one-third of the area of the district. Even though the amount of the present liens be relieved against through the purchase of the same for flood way purposes, the annual revenues of the district in the future will be diminished to the extent of more than one-third and leave to the district through such lessened revenues an inadequate sum to pay the expenses connected with the operation of the agency. This situation can only be met by placing the loss upon the remaining lands of such district and thereby increasing their burden.

The same rule, as a matter of course, applies to all the districts along the Mississippi River, and especially could the illustration be emphasized by quoting from the enormous diminution of revenues which will result to the Louisiana levee districts through which the Boeuf River and Atchafalaya flood ways are to be located and in which the backwater areas at the mouth of the Red, Black, and Atchafalaya Rivers meet.

The financial ability of each levee district becomes a criterion of safety under any plan requiring contributions to the expense of flood-control works. The want of integrity in the line of levee maintained by anyone of the several districts on the river destroys the protective value of every other line of levee maintained below it on the same side of the river, without regard to the amount of money expended or the strength and security of its protective works. The situation is illustrated in the disaster of 1927, when the unprecedented flood heights in the Arkansas River crevassed the levees at Medford, Pendleton, and Big Bend, hurling death and destruction upon the residents of the 3,000,000 acres of lands in the Tensas Basin, driving the inhabitants to the house tops and to the trees, sweeping from their farms every vestige of improvements and their personal possessions. Not through the failure of the people resident there to meet the demands of existing law or their failure to build to the fullest security under the plan provided for their safety, but through the inability of the neighboring levee district on the north to provide the funds with which to maintain the integrity of its works.

Reaching nearer home, I may use the Dorena break in Missouri as a further illustration. The levee structure in front of the St. Francis District of Arkansas withstood the crest and remained intact. That district was solvent and had hurried its construction program, but south of Cairo and more than 100 miles north of the lower St. Francis levee line a levee was breached and the flood waters poured through, following the flood plane along Little River to the west and thence to the St. Francis, covering thousands of acres in the district where the levees held and destroying more than \$8,000,000 of the property within such district. This was through no fault of the St. Francis District of Arkansas, which is without authority to build up and maintain the levees in Missouri to grade and section to afford the protection. This situation is recognized and was commented on by the members of the Mississippi River Commission, who are in accord on not only the theory of the necessity for a consistent and connected system of works, but that it is an impossibility to secure such consistency under the operations of the local units as they now exist, and upon which reliance must be placed for conformity to any plan of improvement which can be devised for the security of the valley.

Such recognition is carried in the report of the Chief of Engineers of the impossibility of performance commented on, and the recommendation is made that the States supplant the local units and assume the burden. The suggestion carries the same

answer; the same want of unanimity and control must necessarily enter into the operation of any agency which may be established by the State. The failure of Missouri in any essential inflicts upon the State of Arkansas the same damage suffered through the failure of the existing unit. But the failure is not the sole incident of danger connected with a change of responsibility.

The great delay necessarily incident to securing legislation and legislative authority is met with at the very threshold. In some instances, notably Illinois, Missouri, Kentucky, and Tennessee, comparatively small areas of the States affected are involved and, therefore, it would become necessary that organizations be created and a campaign undertaken to bring the State as a whole to a realization of a duty and form sentiment with which appropriate aid could be procured. In some of the States it would be necessary to secure constitutional warrant for legislative action, which would necessitate two sessions of the legislative bodies of such States, with an election between in order to make the essential constitutional change. In the history of floods, before such changes could be effectuated, should the recurring visitation be of the magnitude of the one just passed, there would remain nothing of the areas for whose relief and protection such measures were initiated.

Again, the intricacy of the problem can be understood from a consideration of the questions arising for determination between the States, by an allusion to conditions necessitating a method of control for the protection of the city of Cairo in Illinois, around the limits of which swirl the flood crests from both the Mississippi and Ohio Rivers, and where the lives of 15,000 American citizens and millions of dollars of property values are in imminent danger, with but one avenue of relief open. The levee heights have reached the limit of safety, but the flood heights have not reached the maximum even in the 1927 experience. Both of the engineering plans submitted assume a flow of 2,250,000 cubic feet per second is a possible maximum, which would necessitate the construction and maintenance of levees 65 feet in height. There must be diversion of water at that point, with two suggested locations—one through the natural flood plane from Cape Girardeau south through the Little River and St. Francis River basins, estimated by the diversion board to cost more than \$300,000,000, the other from Birds Point south to New Madrid in Missouri, at a expense of \$32,500,000. There is a certainty of the necessary reduction in the flood heights at Cairo through the more expensive system, and quite a doubt is expressed of the engineering estimate on reduction through the Birds Point diversion. However, the selection of either method is considered to be for the sole protection of Cairo. The question naturally arises that under the suggested theory of State responsibility Illinois would pay the bill. The question then arises as to the State authority to authorize the expenditure of money in the adjoining State. If this question is answered in the affirmative, the question then occurs, how long would it require a sentiment to be built up in Illinois to cause its legislature to enact the necessary law through which funds could be provided and the situation saved; and in the meanwhile, will Cairo survive?

Exactly the same situation exists with respect to the benefits accruing to the States of Mississippi and Arkansas, through the suggested flood ways in the Boeuf and Atchafalaya River Basins of Louisiana. If the salvation of the two States depended on their ability to provide the necessary machinery for the collection and application of the necessary funds with which to compensate Louisiana for the vast acreage to be dedicated for their protection, before any progress could be made in the building up of the necessary protective works through which the waters could be diverted and for the confining of which levees could be constructed, at least one or a succession of floods would in all probability destroy both Mississippi and Arkansas, even if the necessary protective measures could be authorized with all the celerity possible and urged by the utmost good faith and sincerity of purpose.

Disregarding in its entirety every statement with respect to the necessity of a unified and consistent plan of improvement, the great loss of property, the stupendous burden of debt, which renders 22 of the 28 levee districts in the alluvial valley utterly insolvent, and the certainty of calamity before it is possible to shift the necessary authority from the levee districts to the respective States, it is to my mind an indefensible position to seek to place upon the citizens and their property the duty and responsibility of providing the necessary protective works against the flood waters of so vast an area of the Nation as a whole. In taking such position I realize that "It will not be done because it can not be done" is not a sufficient answer, but it is an answer to say that when the magnitude of the task is created by conditions over which local interests have no control

and against which they can not fend in the exercise of the largest measure of authority, it can not be accomplished by other than the national authority.

No one will gainsay that the early settler in the Mississippi Valley was not a trespasser and that he was in the exercise of a privilege which inured to every citizen of the Republic, if not at the direct invitation of a nation whose interest in developing a civilization along what was at that early date conceived to be its most important artery of commerce, establishing means of communication and for protection against the encroachments of a foreign power. It is recorded history that the Mississippi River was the direct and inspiring cause of the purchase of that great domain designated on the map as the Louisiana Purchase. The civilization so constructed in the valley was the bulwark relied upon to effectuate the purposes and aims of the Government in such acquisition. It was upon such foundation the future developments were predicated and the necessary attraction was afforded to the thousands who joined fortunes with the pioneers to give value to the conception of the distinguished Executive in whose administration that transaction occurred. The importance of developing and preserving the navigability of the river was the subject of debate in the various sessions of the Congress, from which this theory stands out:

If there was not a single inhabitant in the valley, the control of the waters of the Mississippi River is essentially necessary.

To preserve the regimen of the river, levees and revetment have been the sole reliance of those under authority and direction of the Congress to attain such end. Without revetting the banks and providing stability therefor, the waters in the channel would be so charged with silt that the bed of the stream would soon become clogged and navigation thereon be destroyed. Without levees to confine the waters within the channel, the current would be so reduced in velocity that the sedimentary matter could not be carried to the Gulf and the 12,000,000 tons now disposed of would have long since placed the bed of the stream on an even surface with the bank and a repetition of conditions existing in several of the noted streams of the Old World would be true on the Mississippi.

The commerce clause of the Constitution is sufficient warrant for complete national responsibility in this instance; for it is inconceivable that this great Nation, with its wonderful diversification, but withal interdependent, could and would permit a condition to arise that disturbs the business relationship necessary to the welfare of all of its inhabitants. Commerce is not sectional, and when disturbed in any area carries a pronounced influence on the business concern of the Nation and frequently manifests itself in an international way. Commerce to-day does not mean the tonnage which finds its way from the producer over an improved waterway of the Nation, nor is it the volume of material finding its way over the railroads of the country, but the improved highways of the Nation have developed and are increasing by leaps and bounds a trucking system destined to compete favorably with the other established methods. Through the area in the alluvial valley subject to overflow sufficient commerce was developed to induce railroad construction on an elaborate scale, there being 10,000 miles of operating tracks, providing a system which not only traverses the length and breadth of such area but bisecting trunk lines which reach from ocean to ocean. These carriers handle troops, munitions, and food in the stress of war. They handle a great volume of commerce and postal matters in peace time. There are constructed and in usable condition several thousand miles of improved highways, over which the commerce of that area finds its way to the concentration points on the transportation systems where ease and facility is given to its transmission. Over these roads are distributed the mails when discharged at the distributing points. More than 3,000 miles of railroads within the overflowed area was out of commission for from 10 to 120 days, and the several thousand miles of highways were covered with water for periods from 30 to 90 days. Commerce was destroyed, and the mails piled mountain high at the distribution points provided for the proper handling of such matter. An army of employees under experts devoted weeks of time rerouting this enormous accumulation of matter, establishing lines of communication over the flooded lands by means of water craft, with many of the offices swept out of existence and much of the equipment flowing into the Gulf of Mexico.

It is inconceivable that a nation would permit an area of 40 to 50 miles wide and a thousand miles in length to be carved out of its very heart and feel that no national duty was involved. On this national aspect the question of recurring periods of destruction of life and property is offered. Under the general-welfare clause this Nation can not permit this con-

dition to continue. It may be conceded that where conditions over which those whose lives are imperiled and whose property is in jeopardy present the duty of exercising every facility within their power to afford such protection, there certainly must be found somewhere an anchor to tie to when those same lives and property interests are deprived of the means of protection and are rendered defenseless against an assault by forces over which they are denied the right to exercise the necessary control.

No one village or township, levee district, county, or State within the alluvial valley is able to combine the power available to each and mold it into a weapon capable of defending against the conditions wrought by the greater number of people, the greater areas of territory, and the greater rights of all of the States from which pour the flood waters producing the dangers with which they are assaulted. They can not stop the wheels of progress, nor curtail the activities of the citizens. They can not stay the construction of highways, the paving of streets, the tilling of lands, the denuding of the forests, the removal of the humus, the construction of artificial canals, the straightening and deepening of streams through which there pours an ever-increasing volume of water which finds its way with greater velocity into the lower valley, swelling the flood heights, topping and tearing through the pigmy lines of defense offered by the local people to the 60,000,000 horsepower of strength which is loosed upon them.

But we are told the problem is one of reclamation, and that when reclamation is provided the value should be assessed against the beneficiary, the landowners of the valley. It seems difficult to differentiate the theory of reclamation from the problem of flood control, because it is admitted that the effect of such works when security is afforded, will result in the enhancement of land. It seems difficult to convince the mind entertaining such conception that with the complete protection provided, but a reestablishment of the values based upon confidence in the protective worth of such works may only be hoped for. It does not take that which is nonproductive inherently and add the elements which enter into a productive capacity. It does not add one dollar to the producing power of the lands sought to be protected. I believe this is a fair illustration: An acre of improved land in the Mississippi Valley has a certain fundamental value based upon its measure of fertility when reduced to cultivation and provided with the necessary conveniences with which to properly operate it. The cost of clearing and improving the land averages \$50 per acre. The location of improved highways for which the lands must pay gives added value and its location with respect to convenient shipping markets and school facilities, offers an additional modicum of value.

When the Mississippi River Commission fixed the 1914 tentative grade and section for the levees on the river, and the progress to completion neared, the lands of the valley were enhanced to their maximum, based upon the confidence of complete protection. The flood of 1927 breached the levees wiping out a large measure of such value, which was further lessened by the want of confidence in the ability to secure protection. Thus, striking from the values then obtaining at least 50 per cent, driving from the territory all of the financial aid theretofore available and in effect, destroying the actual market value of every acre of such lands. Should the Government assume the full responsibility for the construction of adequate flood-control works, the utmost to be hoped would be for a restoration of values existing prior to the tragedy of 1927 and to share with the rest of the Nation in the reasonable enhancement which should enure from the promotion of reclamation and developments incident to the general improvement in the various localities. In other words, it would merely place them on a basis of equality with the other lands of the country and enable them to prosecute their necessary works without fear, hindrance, or the destruction which has so frequently been visited upon them.

Mr. FREAR. Mr. Chairman, I yield myself two minutes. I am in entire sympathy with the gentleman who has just spoken. He has been a very able member of the committee. I wish to correct the figures that he gave, if I understood him. He said that \$450,000,000 was the indebtedness of Arkansas.

Mr. DRIVER. Oh, no. I said that was the debt against the whole valley.

Mr. FREAR. I was going to say that if the gentleman would make an examination he would find that the indebtedness is \$91,000,000 for all purposes in the State of Arkansas, and that is not nearly the indebtedness of my own State. The State of California in this bill offers to contribute one-third, and that State has a per capita indebtedness of \$142.81, while the Arkansas per capita is only \$51. I realize, in all fairness, that that is not all the question involves. The State of California is

offering to pay two-thirds of such a project and has a per capita indebtedness of \$142.81.

Mr. DRIVER. Will the gentleman yield?

Mr. FREAR. I will.

Mr. DRIVER. The State of California has all of its houses on their foundations and all of its mules and horses and household effects, and they are ready to go to work. It is an entirely different situation from that which prevails in Arkansas.

Mr. REID of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] stated that I offered no substitute for the McNary-Haugen bill. Every other gentleman in the Congress knows that four times I offered a substitute better than that bill, but that is as near the truth as Mr. FREAR approaches. [Laughter.]

I am sympathetic with him because the Republican leaders kicked him out and for four long years he has been on the cold, cold grass. He is now making a frantic effort to get back into the good graces of the Republican leaders. I hope he succeeds, for the Democrats would like to see that sort of leadership in the Republican Party. [Applause.]

I believe Mr. FREAR's heart is good, but his mind or attitude is twisted out of plumb on these questions. I have known him 15 years, and I have found no one who can recall that he was ever on the right side of any question. I am glad that he is opposed to this bill, because by that token I know that I am right. [Applause.]

If he were not a fellow Member of the Congress, I would refer to his wild, monstrous, and exaggerated statements with reference to the lower Mississippi Valley as garrulous chatter, which would be an entirely correct appellation. Except that people away from Washington and maybe some one in the White House might take seriously his wild statements, I would not refer to them now, because no Member of the Congress pays any attention to what he says. His influence in the House is nothing and his opposition to a bill means support for it.

In Mr. FREAR's statement published in the CONGRESSIONAL RECORD of April 4, 1928, under head of "Engineers' estimate of cost to Government," he states that the Boeuf and Atchafalaya flood ways will contain 3,713,696 acres at \$75 per acre, or \$278,600,000. The estimate of \$75 per acre originates in Mr. FREAR's fertile imagination to compensate he says for other probable costs that he anticipates have not been taken care of in the estimate. By reference to page 4811 of volume 6 of the hearings it will be noted in the summary that the total number of acres of land affected by flood way—Cypress Creek to the Gulf of Mexico—is placed at 3,041,300 acres and the valuation of this land is placed at \$76,095,533. Mr. FREAR is off the truth only 700,000 acres and \$200,000,000, which is not bad for him. [Applause.] The item of \$76,095,533 can be further reduced by 50 per cent if the costs of flowage rights be used instead of value. If it is recalled that the backwater area at the lower end of above flood ways is now subject to overflow at ordinary flood, it is evident that applying a valuation of \$75 per acre to the 1,000,000 or more acres of this character of land—involving at least \$75,000,000—is done for no other purpose than to swell the cost to a fictitious total, which is Mr. FREAR's evident purpose. In the CONGRESSIONAL RECORD of April 17 Mr. FREAR asserts that the flood control bill is covered by a known cost of \$1,000,000,000, and to get this amount he conjures up a value on the land at \$75 per acre, which is eighteen times as much as the land or flowage rights will cost. [Applause.]

The bill, while it recognizes local contributions as sound, gives the valley credit for the \$292,000,000 the local people have already spent. During the course of the hearings before the Flood Control Committee of the House testimony was given to show that the losses during the 1927 flood were approximately \$250,000,000; and in addition to this, it was estimated that there was an indirect loss of \$200,000,000. Mr. FREAR lays great stress on the danger of large landowners selling their land for \$75 per acre, while telegrams from such landowners to-day show that they will turn the land over to the Government from \$5 to \$15 per acre, and the flowage rights at \$3 to \$5 per acre. According to Mr. FREAR's own figures he proves conclusively that flood control with local contributions is impossible and hopeless. He grows frantic over what he claims to be the possibility of a cost of a billion dollars to the Government, and yet his own figures show that he would impose upon the helpless States of the valley a crushing burden, as follows:

Amount already expended by local contributions.....	\$292,000,000
Actual property loss during 1927 flood.....	250,000,000
Very conservatively estimated cost to business.....	200,000,000
Cost of land in flood ways, at \$75 an acre.....	278,600,000
Total.....	1,020,600,000

Mr. FREAR seems excited over the possibility that the Government might expend a billion dollars, yet according to his own figures he would tax seven States in the valley, with the burden falling upon three States, the sum of \$1,020,600,000. [Applause.]

Mr. FREAR. Mr. Chairman, I yield three minutes to myself in order to answer the statement of the gentleman from Louisiana [Mr. ASWELL], who apparently has not the faintest understanding of what the facts are. The Army engineers reported 3,713,000 acres. That is their statement. The gentleman misquotes me. He says that some other figuring is right. He does not know. They made the examination. He lives down there in Louisiana and he guesses at it. That is his trouble. He assaults everyone who disagrees with him. Without any question he is an able gentleman and a good friend, and yet he has agreed with me on any amount of legislation.

Mr. ASWELL. Name one piece of legislation on which I agreed with the gentleman.

Mr. FREAR. All right. Did the gentleman vote for the Mellon bill?

Mr. ASWELL. I apologize to the country if I ever agreed with the gentleman on anything.

Mr. FREAR. Good. Did the gentleman vote for the Mellon bill or the soldiers' bonus bill? Those are things that I helped fight on this floor. Of course, he did.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. SCHAFER. Were you two gentlemen together on the Volstead Act? [Laughter.]

Mr. FREAR. I do not know what he stood for at that time.

Mr. ASWELL. The gentleman does not want to slander me by saying that I voted for the Mellon bill?

Mr. FREAR. No. Of course, you did not and neither did I. That is the point. We happened to be together. The gentleman showed excellent judgment at that time. I have given no statement to the press, and I have given no statement to the White House. I have not been asked to. My statements made here have been on the basis of information that I received from what I believe to be the most eminent and able men I could find. I did not give alone an estimate of \$75, but I gave the estimate at \$50 and \$25, all that were furnished to me.

I yield five minutes to the gentleman from New York [Mr. LaGuardia].

Mr. LaGuardia. Mr. Chairman, I get this time to say a few words in reply to the self-appointed spokesman of Tammany Hall who sought to explain my amendment. Of course, he could not understand my amendment, because he has not even read the bill under consideration. When the sum total of legislative service in this session or any other session of Congress is taken, I think I am willing to compare my contribution to that of the gentleman from New York [Mr. O'Connor], and I leave that to every Member of the House. The gentleman from New York [Mr. O'Connor] talks about my survival. He need not worry about my political survival or to what party I belong. I say this to the gentleman from New York, the self-appointed spokesman for Tammany Hall, that every time he speaks for five minutes in the House here Al Smith has to apologize for three weeks. The gentleman from New York [Mr. O'Connor], speaking by self-appointment for Tammany Hall, refers to my future candidacy. When I ran against the gentleman's party on a city-wide ticket I carried the city, and when I ran against his party in the district, whether on the Republican ticket or as an independent, I defeated his party's candidate.

Mr. ABERNETHY. Mr. Chairman, I make the point of order that the gentleman from New York is not speaking to the bill.

The CHAIRMAN. In the judgment of the Chair, the gentleman is within his rights and will proceed.

Mr. LaGuardia. What I have been trying to do here is to reconcile the differences in this bill.

I have at least read the bill and the hearings; I have studied the report; and the amendment which I suggested for the consideration of this House was based on figures submitted by the proponents of this bill on the Democratic side of the House. If the figures given by the gentleman from Louisiana or the gentleman from Arkansas or the gentleman from Georgia are correct, then my amendment indeed is modest, because it would require only something over a 5 per cent contribution. I am taking their figures. What I am trying to do is to bring about some understanding, so that we can pass a bill in this House that will give relief to the people of the Mississippi Valley.

Mr. O'CONNOR of New York. A gentleman said that the gentleman's amendment is based upon an editorial in the New York World of this morning, and he immediately ran to cover.

Mr. LAGUARDIA. Of course, the gentleman was not here yesterday. I did not see him on the floor of the House. I suggested my amendment yesterday in my remarks, and if the gentleman had read the RECORD to find out what took place when he was not here at the time he would have known that I suggested my amendment yesterday and the editorial in the World appeared this morning.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. The gentleman has brought articles appearing in the newspapers into this controversy. Is there any truth in the article in the newspaper to the effect that Al Smith is now drafting a dry plank for the Democratic platform? [Laughter.]

Mr. LAGUARDIA. Perhaps the gentleman from New York [Mr. O'CONNOR] can answer the question of the gentleman from Wisconsin. [Laughter.]

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of New York. I was here yesterday and read the gentleman's remarks in the RECORD. The gentleman has been in politics for a good many years. He now assumes to himself not only the leadership of the Republican Party in this House but also all the knowledge and all the intelligence of the entire New York delegation.

Mr. LAGUARDIA. Oh, no; the gentleman's remarks speak for themselves. The CONGRESSIONAL RECORD will show. I leave it to the judgment of every Member on that side of the House.

Mr. REID of Illinois. Mr. Chairman, I yield to myself 45 minutes.

Mr. SWING. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from California makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-two gentlemen are present. A quorum is present.

Mr. REID of Illinois. Mr. Chairman, if the Members will give me their attention I will try to explain to the committee what this is all about. [Applause.]

I am not a candidate for the Presidency or the Vice Presidency, and I have no candidate, so that there is no politics in my remarks, and no religion, but a lot of facts will be presented that I think will stand the acid test put upon me by the minority.

At the opening of this session of Congress the President sent a message to Congress outlining a comprehensive plan for the control of the Mississippi River. That plan is the basis of all the talk you have heard to-day. It is not the creation of the committee or of any member of the committee. It is not due to the authorized agency of the United States for flood control, namely, the Mississippi River Commission. For some unknown reason the laws of the United States were set aside, and the Chief of Engineers usurped the powers of the Mississippi River Commission and produced the plan you hear so much about and know so little about.

THE PROBLEM OF FLOOD CONTROL

The problem before the committee was how to control a raging torrent of 60,000,000 horsepower? That is a lot of horsepower, and when it goes over the bank of a river into the side of a levee, the levee slips down the valley, it must bring great destruction. I think some of the Members here would feel uncomfortable with wet feet, so that you can imagine how it feels to be driven from house and home.

THE FLOOD-CONTROL PLAN

For the purpose of elucidation of these maps [indicating] we will speak of Cairo as the head of the lower Mississippi, and this control covers the St. Francis Basin, running from Cairo to Helena at the mouth of the St. Francis River. That is the northern section. Then the middle section is the Tensas Basin, taking in part of Arkansas and part of Louisiana on the west side and part of Mississippi on the east side; and the lower part, the Atchafalaya Basin, takes in from Red River Landing and all south of the junction with the Mississippi River.

In the lower part you talk about the city of New Orleans. Somebody said it is the thirteenth city in the United States, and second in rank in the matter of foreign commerce, with a population that goes back even before the United States thought of occupying the important position it occupies to-day.

Now, you have heard a great deal about the Atchafalaya River. The Atchafalaya River is supposed to be another outlet of the old Mississippi River of the olden times. The distance is 50 miles direct to the Gulf, and it is one hundred and some

odd miles by the Mississippi through all its wanderings down into the Gulf of Mexico. The problem before the committee was to try to work out some plan to control the destructive floods, so that in the hearings we made inquiry as to what was the matter with the present system.

We learned that there is no law in the United States compelling anybody to control these destructive flood waters or putting the duty of flood control upon any agency. The United States has not that duty expressed in any word. No State in the Mississippi Valley has that duty imposed upon it by any law, and no State or the United States has acted on the theory that it was either a State duty or the duty of the United States to take care of the destructive floods on the Mississippi River. Consequently the problem is: How are we going to get the money to build flood-control works if our engineers can devise the plans? We thought of schemes, and we had even worse schemes than the gentleman from New York [Mr. LAGUARDIA] now suggests. We had schemes to take the river out of its path; we had other schemes that somebody was going to paddle the river and others were going to pipe it all around. We finally came to the conclusion that if you are really going to have flood control, it has got to be done by one agency in a uniform and coordinated manner. It is impossible to have flood control by local option. If you will just put that in your minds you will understand a good many things I am going to tell you about later.

The Mississippi River from Cairo down has a number of basins. These basins are interdependent, and in the basins are levee districts which themselves are interdependent, and a weakness in one of these basins will affect the entire country.

South of Cairo the lands affected would be the so-called Missouri flood way. That could be left out and the Missouri people would be left to their own proposition, because all of the water comes back into the Mississippi River.

The problem which the engineers have now given us is to get away from the levees-only policy. They built the levees higher and higher until they thought they had them high enough, but it rained exceedingly hard, and the synchronization of the tributaries was such that the water overtopped the levees at several places. So having to abandon the policy of levees the question was how to prevent the damages from floods in some other way.

The engineers began to look around for some plan that would divert the water from the main channel and yet not have it go back into the river. They found they could do that only in two places, and that was in the Tensas Basin, bringing it down here [indicating on map]. They worked out one plan set forth in the General Jadwin plan, known as the Birds Point to New Madrid spillway, which is a spillway 5 miles wide and 70 miles long. They are forced to do a thing that is not correct in engineering, because it would bring the water back into the river, and the testimony is that where you bring that water back you put a hump in the river again and have an obstruction which is worse than the condition you had before. That will be the foundation of a great deal of the engineering testimony, as you will find it in the record.

The next problem was how to take water from the main river of the Mississippi and protect Mississippi at the same time, because the water can not be discharged on the east side anywhere, and it would all come back into the Mississippi River. So it was finally decided to put a diversion channel through the Tensas Basin. The Tensas Basin gets its name from the Tensas River. In the lower section there is what is known as the Cypress Creek diversion, a natural diversion right here [indicating on map].

There the water runs down of its own accord and down into the old river at a pool which is discharged through the Atchafalaya Basin.

The Chief of Engineers, General Jadwin, has worked out a plan to take the water at Arkansas City, the place I show you here [indicating], and bring it down this flood way through the territory that you have been hearing about that has very great value or no value at all. It is brought down here to a pool. The pool will bring it into what is known as the Old River. The Old River is a connection with the Red River and with the Atchafalaya River, and sometimes the Red River flows into the Mississippi, and when the Mississippi is full the Red River goes down the Atchafalaya River, but in engineering talk, when you get this water down here, you have 3,000,000 cubic feet per second in the pool.

The trick they had to work out was how to take care of this 3,000,000 cubic feet per second down the main channel, which could only carry about 1,500,000 cubic feet. So the problem was to bring about a diversion. The Chief of Engineer's plan brings 1,500,000 cubic feet to the Atchafalaya Basin, so that the basin as a flood way brings down 1,500,000 cubic feet down the main

Mississippi River toward New Orleans, but in order to save the city of New Orleans they have put in a safety device known as the Bonnet Carre spillway. When the water gets at a certain height on the city of New Orleans gauge, the Bonnet Carre spillway begins to work and discharges 250,000 cubic feet, which takes it into Lake Pontchartrain and on through to the Mississippi Sound. In this way it never gets back to the river.

The Mississippi River Commission's plan for the protection of New Orleans also provided for a spillway at Caenarvon, but the Chief of Engineers did not think this was necessary under his plan, and consequently that is left out of the plan which the Chief of Engineers has submitted.

The gentleman from Illinois [Mr. WILLIAM E. HULL] said he could not understand what plan was adopted. No one could expect the gentleman to understand that, but because it has been a theory in Congress that some project must be adopted at all times, consequently they had to write in the name of a project, so they wrote in the project of the Chief of Engineers.

OBJECTIONS TO "FUSE-PLUG" LEVEE

There was a great deal of criticism of the plan of the Chief of Engineers on account of a new device he has brought into use, known as the fuse-plug levee. The fuse-plug levee is a piece of the old levee that they are going to allow to remain so that when a flood comes the water will deteriorate that levee and let the water down into the flood way that you see here on the map, and in the Jadwin plan they also favor this fuse-plug levee to let the water back to the Mississippi River.

The objection to this is that you can never tell how much water you are going to get into it, because it is not controlled. It might bring in 250,000 cubic feet or it might bring in 1,250,000 cubic feet, and the problem is to take care of only a certain amount. Consequently, there has been a great deal of criticism because you never know how much water you are going to take into the flood way or how much you are going to leave in the Mississippi River, and the same thing is true over here with respect to the spillway. Instead of having a controlled and regulated spillway, as recommended by the Mississippi River Commission, whereby you can let in or let out any amount of water necessary to take care of the floods, he has provided for a fuse-plug levee at Arkansas City, and in order to protect that city he has put a ring levee around Arkansas City.

But when the levees begin to break and the water begins to overflow, the same objection is made. You can not tell how much water is going out of the Mississippi River. You have 3,000,000 cubic feet per second flowing into the Mississippi, and the problem is to take out 1,500,000 cubic feet per second. You may take out a great deal more than that, or you may take out only half of that amount. If you take out a great deal more than that you will flood the entire States of Arkansas and Louisiana all the way down, and if you do not take out enough, you will break the levees and flood the entire State of Mississippi.

So you can see this is why there is a great deal of criticism of the so-called fuse-plug levee.

BIRDS POINT-NEW MADRID FLOOD WAY

The two plans in a general way are in accord, except that the Mississippi River Commission does not think it is necessary to have a flood way in Missouri. They think Cairo ought to be taken care of by pumping the sand out of the Mississippi River and raising the level. The Chief of Engineers was generous enough to say that the State of Illinois would supply the sand if somebody would pump it out to raise the city of Cairo, because Cairo now is way below flood height; and while we are talking about the New Madrid flood way, we might as well tell you that the people here believe this is the most highly developed part of the Mississippi Valley. The improvements there are as fine as any in the world and it is wonderful land. They do not want the flood way. This flood way does not do them any good but does them harm. It would be just like having them ask you to allow them to run a sewer through your back yard. It does not do you any good, but it may do others around you some good. Consequently these people in testifying, testified from that viewpoint and stated they hoped they could put the price so high that the Government would not want to buy their lands for a flood way. Consequently you have in the record the data upon which the gentleman from Wisconsin based his idea of \$75 or \$150 an acre for this land, which is based on the fact that the people do not want this flood way.

The Mississippi River Commission says about the Jadwin plan, which recommends this improvement, that it is neither economically sound nor engineeringly feasible. If the Mississippi River Commission, that has been working on the river for 40 years—and nobody doubts the ability of the engineers on

it—says it is not right, of course, you can not expect the committee to decide the question.

Mr. LA GUARDIA. What is their alternative?

Mr. REID of Illinois. Their alternative is to raise the levees and perhaps make a spillway up below Cape Girardeau, which will bring the water through the St. Francis River. Their objection is you bring the water right back into the river, and you have a hump here [indicating], and you will not get the lowering of the flood height at Cairo that they expect to get, and consequently the city of Cairo is liable to be wiped out some time if the flood way does not carry water that it is expected to carry.

Mr. JACOBSTEIN. Will the gentleman tell us again how they dispose of that 3,500,000 cubic feet per second?

Mr. REID of Illinois. You have 3,000,000 cubic feet in the pool here. The plan is to take care of about 2,800,000 cubic feet at Arkansas City. You have 950,000 cubic feet coming down here; and the accumulation of the tributaries brings it down to this pool; and the Army engineers' plan is to take 1,500,000 cubic feet down through the Atchafalaya Basin; and in order to do that they put levees, on the average about 16 miles apart, bringing the water down here [indicating] and into the Gulf of Mexico.

They take 1,500,000 cubic feet and drop off 250,000 cubic feet at Bonnet Carre and then on into the Gulf and take the other 1,250,000 down past New Orleans, which they think is sufficient to provide safety and protect the people.

Mr. LA GUARDIA. That is the Army plan?

Mr. REID of Illinois. That is the Army engineers' plan.

Mr. LA GUARDIA. Is the Bonnet Carre higher than New Orleans?

Mr. REID of Illinois. Yes. In the levee district in Pontchartrain they did not have money enough to keep the levees up, and consequently New Orleans is frightened to death because a break there would destroy the city of New Orleans. If there was a break there, it would drown out New Orleans, and there would be no way for them to get out. That is the disaster that the engineer talks about.

Mr. WILLIAM E. HULL. How would it come down; through the river?

Mr. REID of Illinois. No; through the back.

Mr. LA GUARDIA. What is the little red area on the map?

Mr. REID of Illinois. That is the city of New Orleans. The objection to the Bonnet Carre spillway is that when the wind was blowing right it raised the water 4 feet, and consequently a great many people object to the spillway. You must get it into your minds that nobody wants flood control where it is going to be at their expense. Consequently you will get no flood control unless it is by an overpowering agency to go in and do the work in spite of them.

INTERDEPENDENCE OF LEVEE DISTRICTS

Now, here is a map of the levee districts. Just below Cairo they have 26 miles of the Mississippi River, and coming down lower there is a district of 58 miles, and then here is a district of 160 miles. The Cotton Belt Levee District is 25 miles. Here is a district of 28 miles. Then you have here a district of 75 miles to the south of the Arkansas Levee District, and then down here is the Tensas Basin Levee District, which has the most of any of them.

How are you going to get the money? You can not get it from the States. There is no chance on earth of doing that. In order to work out Mr. LA GUARDIA's proposition you would have to amend the Constitution of the United States to permit the creation of levee districts. That was the idea of the Chief of Engineers.

Now, the Jadwin levee district would not take in certain States which you are talking about. If it was equitable you would have to take in 31 States. If you are going to take in 31 States you might as well take in the rest of them, and inasmuch as it is for the general welfare of the United States you have to consider it as a national problem. And if it is to improve the Nation it must be taken out of the General Treasury.

There is no connection between this project of flood control and a reclamation project. There is not a foot of land to be reclaimed, for it is not worth it.

I am in favor of flood control that will keep the people from drowning and their property from being destroyed. That is all I am interested in. I am not interested in any land.

Now, suppose the land is to be acquired up here and then you start here and you begin to get land at Arkansas City. Who is going to give the land? The State of Arkansas is not in the levee district. The highlands do not like the lowlands, and there is no chance for them to get together. There is no more chance of that than there is of the gentleman from New York [Mr. O'CONNOR] and the gentleman from New York [Mr.

LAGUARDIA] getting together. [Laughter.] The highlands would not vote to tax their people along the river, and consequently there is no chance of these local people getting together. Why should the people of Louisiana pay for the protection of the people of Mississippi? Why should these people in the Atchafalaya Basin pay for the protection of the city of New Orleans? New Orleans is a rich city, and why should they not pay for it themselves, they ask? It can not be left to the local interests. If you can say to a community, "You can either get protected or not," that is another proposition; but in order to have effective flood control from Cairo to the Gulf, it has to be unified; and in such a way that no particular community can stay in or out, as it pleases, because if anybody stays out, it spoils your entire system. The links here that you see that are weak are the ones that cause the flood. Take the break at Dorena. They did not have enough money there to bring up their levee to the grade of 1914, and all the way down here.

If there are any other questions about these maps, I will be glad to have them asked now. Here is another map of the Mississippi Basin which shows 1,250,000 square miles of drainage area which must be taken care of from Cairo down. That area stretches from New York up to Montana and clear over here to New Mexico. You use this great stem here for the ditch. It is a new idea when the ditch has to carry the load for the entire drainage system, and under no theory of our law would there be a right, if it were between private people, that these people up here could so accelerate their drainage as to harm these people down here without paying for it. That is the reason that they are before Congress here to-day.

Mr. JACOBSTEIN. What would be the cost of the construction of the work at any one given point, like this spillway?

Mr. REID of Illinois. About \$11,000,000 for the Bonnet Carre spillway.

Mr. JACOBSTEIN. So that there is no chance of levying that locally?

Mr. REID of Illinois. No. That is what I say. That is for the benefit of the city of New Orleans.

Mr. CRISP. How many States are included in that drainage basin?

Mr. REID of Illinois. Thirty-one. You are asking this lower portion to take the entire burden of that drainage district. Some say that it is the natural drainage ditch. Well, it is said that it used to be swamp land here in front of the Capitol and that the water used to come up nearly to the steps of the Capitol when the Potomac River overflowed. Under the Jadwin plan, if the river overflowed, you could go down here and take all of the property along Pennsylvania Avenue and say you have a right to do it, because this was the natural flood way once, and that you have a right to put it in there again.

Mr. SIROVICH. Does this plan take care of the tributaries?

Mr. REID of Illinois. No. It is not intended to take care of the tributaries. We have in the bill a section which provides for a survey of the tributaries.

FACTS NECESSARY TO UNDERSTAND THE ISSUES—TWO SIDES OF QUESTION PRESENTED

In order to understand the flood-control problem of the lower Mississippi River, it is necessary to know the different schools of thought that have developed in the long years it has been under consideration, and which in turn involves its history and a knowledge of the legislation and upon what that legislation was based.

There are two schools of thought. One we will call the nationalists, who believe that it is and always has been the Government's obligation to control the destructive flood waters of the lower Mississippi, not only on account of its terms of acquisition and its national use, but also on account of the development of the United States in the great West and Northwest and progress in the East, deluging intermittently the lower Mississippi Valley.

The other school we will call the local contributionists, who believe that levee building is a private matter and that the Government's interest is one of navigation only, and that its participation and payment should be so limited.

Originally levee building was a local and private matter, not only as to districts, but as to individual landowners themselves who only protected their own properties.

With the increased floods caused by artificial drainage the task of protecting private property became too great for the individual to cope with singly, so he and his neighbors organized levee districts. Faster came the floods than levees could be built; even levee districts were impotent and crevasse after crevasse overflowed adjacent lands. This summarized the private standpoint.

All this time in another jurisdiction a more important problem to the Nation was being wrestled with, however, not with individuals or localities as the factors; but the great engineering

talent of the United States Army, backed by the entire resources of the Nation endeavoring to make and keep the Mississippi River a navigable stream, so that the Nation might prosper.

After spending years of study and great amounts of money, the United States engineers finally determined that the only hope for the navigable channel for the Mississippi River lay in the use of levees to keep the river water under control at all times.

In conformity with this engineering opinion Congress passed laws embodying the recommendations regarding the use of levees as an aid to navigation, and finally in 1879 it created the Mississippi River Commission, which was charged with the duty, among other things, of giving ease and safety to navigation of the Mississippi River, and preventing destructive floods, promoting and facilitating commerce, trade, and the Postal Service.

ERRORS IN JADWIN PLAN POINTED OUT

Regarding the assumptions that the natural bed of the Mississippi River is the alluvial valley and the United States is engaged in a reclamation project, it is sufficient to state that the Supreme Court of the United States has held just the opposite in the case of *Cubbins v. Mississippi River Commission* (241 U. S. 351), the syllabus on exactly this point being as follows:

The conditions existing in the valley of the river demonstrate that the work of the Mississippi River Commission, and of the various State commissions, in constructing the series of levees from Cairo to the Gulf is for the purpose of prevention of destruction and improvement of navigation by confining the river to its bed and is not for purposes of reclamation.

In deciding this point the Chief Justice, who rendered the opinion, one of the most eminent jurists in our history, said that the contention that the building of the levees was a work not of preservation but of reclamation was unsound, and was "wholly irreconcilable with the settlement and development of the valley of the river."

As to the assumption that the destructive flood waters have an easement, the general's position is not well founded, as will be seen from the following quotation from Ruling Case Law:

Acceleration of flow or increase in quantity of water: Without a grant, either express or implied, an upper owner has ordinarily no right to accelerate the impelling force of a stream of running water, as by deepening the channel or removing natural obstructions therefrom, to the injury of a lower owner. (27 Ruling Case Law, 1099.)

The true difficulties of this problem will now be appreciated. We can protect Louisiana by simple means from all ordinary natural floods. But the great problem with which we have to cope is to ascertain how to protect her from the deluge created by the artificial improvements which are accelerating the drainage of the prairies and diverting the collected waters from their natural course through the lowlands.

It will thus be seen that it is the pursuit of individual and public interests through all of the northern States of the Mississippi Valley that pours the excess of water down. It may possibly be considered, therefore, that it is the common duty of the States to guard the land which these improvements now endanger.

The justice of this position lies in the fact that the water from 31 States is poured uncontrolled into the Mississippi River. It is the national ditch of the Government and a moral duty rests upon us to prevent the waters from some of those States from destroying the property of the others. If between private parties this would be illegal. This is what the Government is doing; more and more each year they close natural drains and bayous, and thereby divert the natural flow and increase the natural burden in the lower States. The Government participates in this. In this its acts are illegal unless at the same time it protects the lower States against such increased burdens. From a legal standpoint, when the Government thus increases the waters in the river by drainage and levees, it becomes our duty to protect the States along the river from this increased flow of water.

With reference to the general's assumption that the swamp lands were donated by the Government to the States for the building of levees on the Mississippi River: That this is entirely erroneous is shown by the facts upon which the swamp land acts were based, as the swamp lands were donated to 15 States of the Union, including Alabama, California, Oregon, Iowa, and other States entirely out of the Mississippi Valley, and is further shown by the debates in Congress at the time of the passage of the acts.

Mr. WHITTINGTON. Is it not true that all of the swamp land acts of 1849, 1850, 1860 expressly provided that the pro-

visions of those acts extended to all of the other States of the Union and not merely to the States specifically mentioned?

Mr. REID of Illinois. The gentleman is correct about that.

The assumption that participation in his flood-control plan should be optional with local communities needs little comment. The United States are not in the business of keeping people from drowning for a fee and are not dedicated to the idea that these people may drown if they wish. Even in religion we save even though the individual does not think he wants to be saved.

Would anyone think of expending millions of dollars for flood control only to have the whole system fail and the money wasted because one local district elected to stay out? The integrity of the levees is the prime factor in the control of the destructive flood waters. Local communities can not be forced to raise funds or be compelled to enter into a flood-control program which entails the expenditure of private funds.

The assumption that the project should be paid for in the same manner as reclamation projects can not be sustained upon the facts. A reclamation project has for its object the reclaiming or bringing into existence lands theretofore not susceptible of cultivation, while the lands herein involved have been in cultivation for hundreds of years. This is not reclamation but preservation.

It is then contended that benefits will result and those receiving the benefit should pay part of the cost of the work. It is useless to contend that no benefits will ensue; but it is contended that the benefits are not the kind upon which a special tax upon adjacent property is warranted. The benefits may be listed as follows:

Human life will be saved.

Sickness and disease will be prevented.

People will not be driven from their homes and made objects of charity.

Suffering and misery will be prevented.

Land will not be washed away.

Property will not be destroyed.

People will be able to follow their occupations.

Industry will continue.

Interstate commerce and the United States mails will not be interfered with.

There will be a feeling of security that will restore confidence.

No court or law of the land ever levied a special tax on land based on these elements and to require a payment for these benefits would be levying a tax on saving of human life, on occupation, on industry, on opportunity, on progress, and on prosperity. [Applause.]

These benefits are some of those for which our National Government is organized, and always has been, are properly paid out of the General Treasury, and are given freely and without price in order that general welfare may be furthered.

The Federal Government has spent, and will continue to spend, millions of dollars to develop this country so that its citizens may prosper, and it will be a bold Congressman who will advocate a tax on the opportunity to make a good living and a small-caliber one who would begrudge an American citizen this good fortune.

Our country can prosper only in proportion as our citizens prosper, and the misfortune of great numbers affects the fortune of the Nation. Why States as such should be considered in this matter is not quite clear. The States asked to pay have no part in producing the destructive flood waters. Floods know no State boundaries and can not be controlled by fiat. The States as such can not legislate regarding the control or use of the navigable waters of the Mississippi. The States have authorized the organization of levee districts and provided for the raising of funds and there is no more they can properly be asked to do.

Levee building is a matter between the Government and adjacent landowners, one for navigation, the other for protection. The landowner has followed the lead of the Government and has spent millions of dollars and all there is to show for it is a collapse of the system and a poverty-stricken and disappointed people.

Every argument made against the "Government pay all" proposition is equally strong regarding the "Government pay 80 per cent," with this difference, the 80 per cent Government payment secures no adequate flood-control protection while the 100 per cent Government payment insures the absolute success of the undertaking. [Applause.]

While reclamation is important to a landowner, its importance to him sinks in insignificance when compared with the importance to the Nation of maintaining this great river highway as a commerce carrier. Levees are essential to such, so why hesitate to construct them? Shall we neglect matters of

national concern because individual citizens might profit therefrom?

Can it be, too, that the vast interests of the Nation in interstate commerce and in the transportation of the mails are not important enough to warrant the Federal Government to take all necessary steps to prevent their being interfered with by flood waters?

Millions of dollars are spent protecting our commerce abroad, yet no one would think of taxing those engaged in commerce to pay the cost of the protection. The lower Mississippi Valley produces more wealth for the United States Treasury than our foreign trade does, yet there are those who pretend to have business insight and who would begrudge this same protection to our home people.

At the present time there is a great deal of talk over our marines being in Nicaragua. Would any one contend that the people whose business is down there in Nicaragua or who own property down there should be taxed so much per person in order to pay the cost of the protection that they and their business is getting? That is a parallel case.

General Jadwin's plan does not take into consideration the regions from which the floods come, and of course no solution of the problem can be found without so doing. Thirty States pour their flood waters down on Louisiana, and yet, after having erected levees sufficient to take care of the natural flood waters, it is forced to contribute large sums to take care of the floods produced by artificial drainage caused by the prosperity of other States. The one causing the damage should pay. It is our boast that there is no wrong without a remedy. This is a vain boast unless the Federal Government does its whole duty to the people of the lower Mississippi Valley. Fair play and common justice would require that, after having the benefit of privately paid for levees to aid navigation, the Government should do the fair thing and build the levees for navigation that will aid these same people.

This is not a reclamation project but is a humanitarian one, pure and simple, and the United States should not attempt to drive a hard bargain when the safety and welfare of so many of its citizens are at stake. Shall it, like Shylock of old, demand its pound of flesh for its ounce of gold, especially when this work is made necessary to correct the mistaken policy of the Government itself in the control of the Mississippi River?

That the Jadwin plan would work successfully dependent on local contribution was doubted even by its author, for, while stating certain conditions, he made provision to waive their compliance when it became necessary to do what he thought was desirable. Congress itself should fix the exceptions, if there are to be any, and should not leave that to the agency doing the work.

JADWIN PLAN PENALIZES ONE DISTRICT TO BENEFIT ANOTHER

Another of the serious objections to General Jadwin's plan, and one which is most strongly urged by the officials and people in the affected States, is that it proposes to protect certain districts and States at the expense of other districts and States. And not only is this so but it proposes further that in some places certain works shall be erected to protect a city or territory, which will result in other territory, sometimes in another State, being periodically flooded, and calls upon the latter district to pay for the works.

As expressed in the brief filed by Governor Martineau, of Arkansas, in referring to the Boeuf Basin flood way proposed by General Jadwin, which would flood over two and a half million acres, much of it productive land, and destroy many cities and towns in Arkansas in order to protect a portion of the State of Mississippi, Arkansas is being asked to "pay a portion of its own funeral in order that other sections may survive."

A similar proposal in the Jadwin plan has aroused the people of southeast Missouri. The general recommends that in order to protect the city of Cairo, Ill., on the other side of the river, the present levees on the Missouri side shall be cut down and set back 5 miles, and a river-bank flood way created between Birds Point and New Madrid, Mo., which in times of flood would lay waste and devastate 144,000 acres of land, 60 per cent of which is highly cultivated and productive. And the cost of this work, estimated at millions of dollars, is to be borne by the people of Missouri, while the city of Cairo, Ill., is not to be asked to put up a cent.

Such inequities and injustices in the Jadwin plan convince the committee that the legislatures of the valley States will never agree to it, and that, therefore, no flood-control work will be done, as the plan provides no work shall be done until the States have consented to the plan and agreed to provide the money.

Instead of the Jadwin plan, if adopted by Congress, providing protection from the floods for the lower Mississippi Valley, it might result in the recurrence of a disaster like that of 1927.

LOCAL CONTRIBUTIONS

The phrase "local contributions" is intended to mean local payment toward the cost of the construction of flood-control works.

The committee found it the controversial point of the whole discussion, so it investigated thoroughly every phase of the subject, and was forced finally to the conclusion that it was not practical and that its incorporation in the proposed legislation would result in its nullification, thus leaving Congress no further advanced, in the solution of the problem, though after more than 40 years spent in the effort and an expenditure of nearly a half billion dollars.

The following question was asked of witnesses time after time for months at the committee hearings:

Question. Have you any practical plan to offer the committee, or have you ever heard of one, to collect money from local interests or State?

Answer. (?).

The question remains unanswered to-day.

Everyone who has studied the subject at all has abandoned the claim that flood control will bring a direct, tangible benefit to the adjacent property owners and have gone from the levee districts as a basis to the State or several States as the source for payment for the flood-control works. Though often requested, no one has offered to present or sponsor a plan of local contribution that would be workable.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. REID of Illinois. How much time have I used?

The CHAIRMAN. The gentleman has 26 minutes remaining.

Mr. REID of Illinois. I shall use 20 minutes more.

Mr. FREAR. Mr. Chairman, I yield 10 minutes more of my time. I have already yielded some.

Mr. REID of Illinois. The committee is of the opinion that the "local contribution" policy of the Government should be abandoned and believes that to make the construction of flood-control works dependent upon local contribution will result in the failure of the whole plan and another disaster such as that which appalled the Nation last year might happen. Divided responsibility resulting from the local contribution policy has been the primary cause for the failure of the protective works, and permitted weak levees, which, when they failed, not only flooded their own districts but also brought disasters to the neighboring districts and neighboring States.

A system which permits local interests to build or not to build adequate levees is doomed from the beginning, and there is no way under the law to compel a district to build flood-control works or force the collection of any assessment for the same.

Under the present law, and similar proposed laws, money for flood-control works must come from the levee districts along the Mississippi River or from the Government. These levee districts, while authorized by State law, are in no way connected with the State. They get no State funds and they are not permitted to use the credit of the State. Every property in each levee district only pays the amount assessed in legal proceedings, and, of course, it can never amount to more than the certain per cent of the increased value produced by the levee works, and the assessments must be uniform and equal.

If property is already burdened with levee bond issues and is not producing enough to pay past-due assessments, there is little hope that they will be able to pay for future assessments, and then, of course, there will be no flood protection if that is made dependent upon local contribution.

There are some who say that there are rich landowners and rich corporations in some of these levee districts that should come to the rescue and put up the money. This might be the case if the United States Government was a besieging enemy sending word that unless a certain amount of money is forthcoming the city will be destroyed. The day has not yet come in America when we are going to demand tribute for saving the life and property in a community or levy an assessment upon a man to save him from drowning.

The raising of this "local contribution" is not to be likened to taking up a collection for a charitable enterprise, where rich men are expected to make large donations and poor people small ones, but all money-raising campaigns must be handled in a legal manner.

The advocates of local contribution fail to take into consideration that the damages are caused by agencies outside of the levee districts or States, and that the damage is not caused by any act or negligence of those suffering from the damage. Under every theory of American law the source of damage and

the responsibility therefor is the main factor and the penalty is laid against the party or parties causing the damage.

However, under the local contribution theory these people that are damaged not only suffer the injury, but also have the additional penalty laid upon them of having to pay the money necessary to prevent the damage from the outside source. The advocates of local contribution practically pay no attention to the "regions from which the flood waters come," and without this, of course, there can be no fair solution of the problem. A new levee district that would be fair would have to take in 31 States or more.

It would have to include the 31 States, and I am sure some wealthy people in Pittsburgh and elsewhere would be willing to help the people down here; but it is unconstitutional, and if you wait for the States to amend their constitutions, all the people in the South will be drowned and the historical allusion that we learned about in our childhood as to how terrible the British were in driving out the Acadians from Nova Scotia would be repeated.

Taking into consideration the amount of money already invested by the United States in the levees, the absolute necessity of levees in navigation, the direct taxes that will flow into the United States Treasury on account of the resumption of normal activities, the prevention of interference with interstate commerce and the delay of the United States mails, the amount of money already contributed by local interests amounting to \$292,000,000, the United States can ill afford to do anything else than supply the funds for flood-control works.

A mere reading of the statements of the conditions of the levee districts and the necessity of having a unified, comprehensive system of flood control under one authority, as contained in the hearings before the committee and in its report, is sufficient to convince anyone that the position of the committee is justified.

The testimony showed that the local interests have not been able in the past to supply the money necessary to bring the levees up to the 1914 standard grade, and after the flood of 1927 their financial condition is so bad that there is no hope that they will be able to raise any money to apply toward the payment of the costs of the new flood-control works necessary.

Colonel Potter testified that some levee breaks resulted from the inability of local districts to pay a share of the expense of levee construction.

Any plan which is constructed around the idea that local interests must contribute, even if financially unable to do so, is, in the opinion of Commissioner West, "a paper plan" only, doomed to certain failure:

Mr. Cox. Measures dictated by your judgment or by the judgment of the commission you have not been able to put into effect because of that inability to cooperate?

Mr. West. Quite frequently that has occurred; yes, sir.

Mr. Cox. Yes. If they have been unable to contribute in the past, it is fair to assume that now they are unable to contribute, is it not?

Mr. West. Far less able now than in the past; yes, sir.

And according to Mr. West the system requiring local contributions has made an unequal partnership with "too many small partners of varying strength and disposition" and has now caused a delay of three years in the execution of work under way.

INABILITY OF LEVEE DISTRICTS TO CONTRIBUTE FURTHER

The testimony given in the hearings established the fact that those districts in which the greatest damage was done and in which the people are most in need of aid are the districts in which the people are least able to contribute to the cost of flood control. The sparsely settled agricultural districts given over to plantations, where cotton and cane are the principal products, were so overwhelmingly ruined that years will be required for their rehabilitation.

In some of those districts the bonded public debt, representing previous local expenditures for flood control, runs as high as three-fourths of the assessed valuation of the districts; and in other districts it will be found that the total liens and liabilities against the property of the districts, including the bonded public debt and real-estate mortgages against private property, exceed the total valuation of the property of the district available for assessment for taxes or benefits.

Many public officials testified that their districts have reached the limits of bonding and taxation under present laws, and that it will be absolutely impossible for them to participate in any plan for flood control which contemplates that they shall bear any part of the financial burden. They have the spirit and the courage to put themselves in to the extent of their ability, to fight the elements in order to win back their

homes, but of goods, wares, and merchandise they have none, having reached the point where individual credit and public credit are alike ruined.

Not only did the mighty flood sweep away their homes, their cattle, and their tools and implements, but the water remained on the ground for so long a time thereafter that there was no opportunity for them to plant crops during the year. Under these depressing circumstances, it is no wonder that districts defaulted in the payment of interest on their outstanding bonds, the records of which will be found in the hearings, and that individuals could not meet the payments of principal and interest provided for in their mortgages.

This situation involved the merchants of these districts and also the local banks upon which the planters and merchants rely for financing from one season until the next. Every bank in one of the counties in Arkansas had failed as a result of the dreadful conditions brought about by the flood and the consequent failure of crops. How can it be expected that these people, without money and without credit, shall contribute to the great expense of establishing additional flood control?

Aside from the economic survey made through officials in the levee districts, the committee also received communications from mayors of cities, public officials, bankers, merchants, and scores of people generally throughout the districts affected, all testifying to the fact that the people in those districts have been bled white by taxation to provide the \$292,000,000 already expended by the taxpayers in the lower valley on levees for flood control. They submit that these expenditures have reduced them in many districts to a condition of insolvency. They say they have exhausted their credit, both public and private, and ask if they may be relieved from any further burden at this time in protecting them from the floods which periodically descend upon them. The details of their unfortunate situation appear in the record of the hearings.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. REID of Illinois. Certainly.

Mr. MOORE of Virginia. The gentleman was just talking about money, and it has been stated here that the Government's expenditure would run to a billion dollars or more. On the other hand, would the gentleman tell us of the direct losses that have accrued from the year 1902 to the year 1927, plus the \$292,000,000 local contributions? I understand from 1902 to 1927, during that quite recent period, the value of property destroyed has exceeded \$800,000,000. When you add to that \$800,000,000 the \$292,000,000 already paid by way of local contributions and confine yourself to that limited period you find at once a liability that has fallen on the people of the lower Mississippi Valley exceeding \$1,000,000,000?

Mr. REID of Illinois. There is no question about that.

Mr. MOORE of Virginia. And that does not take into consideration the enormous destruction of property that preceded the year 1902.

Mr. REID of Illinois. Exactly. I think that good business judgment would prompt us to take steps to prevent such losses in the future.

Mr. MOORE of Virginia. I have made no reference to the destruction of human life, which has been very great, and the sufferings to which the hundreds of thousands of people have been subjected.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. LOWREY. Neither does that take into consideration the economic loss of produce and the failure of the development that would have come if these floods had not come.

Mr. REID of Illinois. Yes. If they could not raise the money to repair the crevasses to keep the coming floods out, they certainly can not produce any money for future flood-control work, and that is the answer to anyone who says that local contributions will insure flood control of any kind.

Illustrative of the inability of some of the local levee districts to meet the situation confronting them following the 1927 overflow and to make contributions for the closure of crevasse breached levees, it is noted that the Mississippi River Commission had to waive the requirement of local contribution in the following instances and rebuild the levees at these localities entirely at Government expense. This was done with the approval and consent of the Secretary of War.

COST OF CLOSING CREVASSES BY UNITED STATES WITHOUT CONTRIBUTIONS	
Upper Knowlton	\$92,668
Lower Knowlton	202,207
Laconia Circle special drainage district	124,014
Upper Snow Lake	99,282
Lower Snow Lake	48,334
Farely Lake levee district	65,000
Winterquarters	92,180
Glasscock	71,261
Brabston	54,837

Melville	\$44,936
Junion	5,617
Bougere No. 1	65,624
Bougere No. 2	51,051
McCrea	166,845
Total	1,183,856

To adhere strictly to the local contribution requirement for financing the flood-control work would, according to Colonel Potter, make it impossible even to do the work necessary to bring the levees up to the 1914 grade, according to his testimony which follows:

Mr. WILSON. Then to make the plan effective, even if you are going to bring the levees up to the 1914 grade and section, it will be necessary for the Federal Government to do the work; furnish the money?

Colonel POTTER. If you are convinced of the financial inability of those districts to put up the money, that would be undoubtedly true. We do not know or we have no way of knowing—I really believe, and I believe it more than I did when I wrote that paragraph of the report; that is, I believe it more now, that they are unable to put it up, than I did believe it when I wrote the paragraph in the report.

The United States should build the levees regardless of whom it benefits:

Mr. Cox. Colonel, if there was not a living soul in the valley, would you not still favor the controlling of these waters in the same manner as recommended by the commission?

Colonel KUTZ. Our plan might be different.

Mr. Cox. But still you would favor the harnessing of the water or controlling the water and not permitting them to split the country in two?

Colonel KUTZ. I think the Mississippi is a valuable part of the transportation system of the country and that even if there was no one living in the valley the river ought to be controlled for that reason.

Mr. Cox. As a matter of national defense, if for nothing else?

Colonel KUTZ. Yes, sir. (P. 2847.)

It has been ascertained and declared by the Mississippi River Commission, composed of some of the most eminent engineers in the world, that levees should be constructed along the banks of the river as works in the interest of navigation, without any reference whatever to the protection of alluvial lands from overflow. This point was made perfectly clear by the testimony of the engineers who appeared before the committee and whose statements are printed in the hearings of 1890. The following colloquy between Senator Gibson and Lieutenant Colonel Suter, of the Engineer Corps of the Army, for many years a member of the Mississippi River Commission, is pertinent at this point:

Senator GIBSON. You stated a moment ago, in reply to a question by the chairman, that if you were improving the Mississippi River, even if it were running through a wilderness, if the country through which it ran were not peopled, you would still build levees on the banks?

Lieutenant Colonel SUTER. Yes, sir.

Senator GIBSON. Why do you hold that opinion?

Lieutenant Colonel SUTER. Because I consider that the improvement of the stream for navigable purposes without it is impossible.

The situation, then, is this: It is impossible to improve the stream for navigation without levees; this is the Government's interest.

No public improvement, however, of any character whatever is ever free from the objection that some particular locality or some particular enterprise or some particular individual is especially benefited by it. This, however, is not a good reason against improvement.

We have heard a lot about the South, and I want to refer to a former Illinoisan, Abraham Lincoln. I want somebody to think about what he said when they make the statement that somebody is going to make some money without working for it.

In a speech delivered in the House of Representatives on the 20th of June, 1848, Mr. Lincoln criticized President Polk's veto of the river and harbor bill, and in that speech discussed at length this very question:

Now, for the second portion of the message, namely, that the burden of improvements would be general, while their benefits would be local and partial, involving an obnoxious inequality. That there is some degree of truth in this position I shall not deny. No commercial object of Government patronage can be so exclusively general as to not be of some peculiar local advantage. * * * The Navy, then, is the most general in its benefits of all this class of objects, and yet even the Navy is of some peculiar advantage to Charleston, Baltimore, Philadelphia, New York, and Boston beyond what it is to the interior towns of Illinois. The next most general object I can think of would be improvements on the Mississippi River and its tributaries. They touch 13 of our States. * * *

Now, I suppose it will not be denied that these 13 States are a little more interested in improvements on that great river than are the remaining 17. These instances of the Navy and the Mississippi

River show clearly that there is something of local advantage in the most general objects. But the converse is also true. Nothing is so local as to not be of some general benefit. * * * The just conclusion from all this is that if the Nation refuses to make improvements of the more general kind because their benefits may be somewhat local, a State may for the same reason refuse to make an improvement of a local kind because its benefits may be somewhat general. A State may well say to the Nation, "If you will do nothing for me, I will do nothing for you." Thus it is seen that if this argument of inequality is sufficient anywhere, it is sufficient everywhere, and puts an end to improvements altogether. I hope and believe that if both the Nation and the States would in good faith, in their respective spheres, do what they could in the way of improvements, what of inequality might be produced in one place might be compensated in another, and the sum of the whole might not be very unequal.

That is good judgment. [Applause.]

The river has no respect for State boundaries and deluges Arkansas through breaks in the levees of Missouri, and overflows Louisiana by floods passing across the Arkansas line.

Heretofore as long as the flood-control policy was one of "levees only," it was the general rule that expenditures for levee work were confined to the payment of work within the levee district itself. There was, it is true, a recognition of the fact that different levee districts within the same natural basin were interdependent as regards protection from overflow, and particularly was this fact realized by the district further downstream, that freedom from overflow depended upon the integrity of the levee line in the sister district, as well as on that of its own levee district. But this recognition did not go to the extent of the lower district coming to the financial assistance of the upper district in promoting their common safety. Probably this was for the reason that there was always work to be done in every district bringing the levees up to the continually increasing grades and the local work was given priority in consideration and execution. It should be stated in this connection that there was one exception to this general statement, which was the Tensas Basin levee district in Louisiana that did spend money in Arkansas for its own protection.

In the present plans submitted by the Chief of Engineers and by the Mississippi River Commission there is a broader conception of the flood-control problem than was shown in the "levees only" policy, and there is brought forcibly to mind the fact that a comprehensive flood-control plan must obliterate levee district lines and even State lines in the working out of a solution for the whole valley.

Taking, for example, the Birds Point to New Madrid river-bank flood way, and assuming that it is the correct solution to apply in the situation, the Chief of Engineers disregards district lines and even State lines and plans a work in Missouri to protect a city in Illinois.

In the instance of the Boeuf diversion, the resultant reduction of the flood height on the main river by abstracting enormous quantities of water from the main river will ameliorate the situation confronting the levee districts in the State of Mississippi and in Arkansas above the mouth of the Arkansas.

Similarly the Atchafalaya spillway will reduce the high-water burden of those levee districts on the main river below Red River Landing, including the Pontchartrain district on the opposite side of the river below Baton Rouge.

The city of New Orleans in common with the Pontchartrain district, the Lafourche district, and the Lake Borgne district will be the beneficiaries of the flood way in the Atchafalaya district.

In his testimony, it may be noted, General Jadwin naively suggests that any district which may fail for any reason to contribute to the cost of flood control might have turned onto that unfortunate district the fury of the flood. In this connection attention is invited to the fact that the districts which have borne the brunt of previous flood disasters are the districts which are now unable to raise any money to contribute further, and to the people of those districts the plan of General Jadwin constitutes a pronouncement of doom.

FLOOD CONTROL INDORSED BY NATIONAL ORGANIZATIONS

I want to pause right here to make a comment. Somebody twitted the gentleman from New York [Mr. JACOBSTEIN] about the chamber of commerce. You may not like the chamber of commerce, but I would like to have anybody stand up here who does not regard the American Legion of some importance in these United States. They have unanimously indorsed this proposition of Government control at Government expense. Then, maybe, they are bold enough to say that the American Federation of Labor does not know its business. I would like to hear from any chorus that will say they do not know it.

Then even the American Farm Bureau may not know what they are talking about. The organizations to which I have referred have gone on record and heralded to the world, as many thousand other organizations have—local, State, and otherwise—that this is a national problem and should be done at national expense. [Applause.]

FLOWAGE RIGHTS IN FLOOD WAYS

There is no change made in this bill in the plan as presented by the President in his message. There is no change in the Jadwin plan in any detail at the present time. The only change is, Who is going to pay for the flood-control spillways and flood ways necessary? There has not been any change. It is a matter of mere control, and the plans stand just the same. If the land a few months ago had the enormous value somebody has said, it certainly ought to have been told to the country; but I am not much concerned about whether the amount is too high or too low, except that if the Government shall pay for the rights of way you would not have the engineers using the whole State of Louisiana for a flood way. I wish you would listen to that. If the engineers knew that the United States was paying, they would work out an engineering plan that would do the very same thing with a great deal less use of flood ways than if somebody else were paying for it. [Applause.]

To my mind that is one of the big things that must be considered. If we are to do something, if we have all the money we want and somebody else is paying for it, why not? But they have great engineering ingenuity and I know they can solve this and do it economically without any scandal. The President would not be a party to any scandal under this bill. The President is running the Secretary of War and I am certain the Secretary of War would not be a party to any scandal, and I am sure the Chief of Engineers would not be in on any scandal. All of this talk about scandal is a matter of imagination and it was only prompted by people who did not understand what this bill was about, because nobody I have talked to is really against flood control or flood protection for the South. They have their ideas that somebody is wrong about the economical plan or the engineering plan, but nobody down in his heart wants to prevent it. I told a certain individual that I could take a tin cup, go out to the churches and theaters of the United States, and collect enough money to pay the amount that it is said the local interests should contribute. But that is not the principle involved. The principle involved is that you want flood control and it has got to be done by an overwhelming agency that can go in and do it in spite of a local district and in spite of the local States. I think that if the Red Cross could collect what they collected for relief I could collect more than that to prevent it.

RESERVOIR SURVEY

Mr. McKEOWN. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. McKEOWN. Will the gentleman tell us something about what the plan is in the bill for reservoirs?

Mr. REID of Illinois. The reservoir plan in the bill is that there shall be an investigation of the reservoirs on the square. There seems to be the impression in the committee and elsewhere that the reservoir proposition was only treated as a stepchild when it was considered by the Government engineers, but you can read the report as to that. The bill as amended by the House provides for a reservoir survey, and there is a provision in the bill that if it should be determined that reservoirs will help to control floods in the lower Mississippi Valley, then they might be substituted in place of some of the proposed flood ways. The Mississippi River Commission said that reservoirs should be considered on the Arkansas and on the Red, so that they would not need to take all of those lands out of cultivation for the flood ways and avoid all of this great speculation which is spoken about. I think that is the bill.

CONDEMNATION PROCEEDINGS IN FEDERAL COURTS

I want to agree with my colleague from New York [Mr. O'CONNOR] that it is a sad commentary on this House if the United States Government can not get justice in its own courts. If anybody will stand up and say you can not get justice in your own courts, what kind of flimflam have you been putting over on the people when you have led the people to believe that the United States courts are integrity itself, that no one in any way could put anything over either on the judges or juries, and that protection to the ordinary individual is their supreme guaranty; and that if the Federal courts undertook to do a thing they would do it right. I have heard no scandals connected with our United States courts in any way, and I am surprised that any Congressman would even think of it.

FLOOD SUFFERERS WOULD BENEFIT FROM ADEQUATE FLOOD CONTROL

Now, comment was made that the 700,000 people who were rendered homeless would not benefit by this proposed legislation. I can not believe they meant this, because if we have flood-control work these people will be able to work and earn some money. In the last analysis the man who pays the levee assessment is the man who produces the crops. In the South it is either the poor white or the colored man. Up to date the slave has not been free. We had a paper freedom according to the President's emancipation proclamation issued in 1863, but the black man to-day is under worse slavery than he ever was, because just when he gets a good crop and thinks he is going to have enough money to live respectably and provide himself with comforts, along comes the Mississippi and wipes him out, and, consequently, there is a debt piled on him each year which crushes him worse than the ownership which he formerly had; and anybody who pretends to have any feeling of humanity in his veins will look to that end alone. The black man bears the burden of this entire thing, and I might say here in regard to the great landowners that have offices in the same building in Chicago with each other that they do not get their feet wet, they do not get washed away, and this is not for them.

Mr. SCHAFER. Will the gentleman yield?

Mr. REID of Illinois. Certainly.

Mr. SCHAFER. About what percentage of the land in the valley does the black man own?

Mr. REID of Illinois. He owns little or none, but he supplies the labor that pays the taxes, that makes the levee districts able to do the work, and he shares not in money like we do up North or in Wisconsin, but shares only from the crop; and if there is no crop he is worse off than ever, and must be taken care of by charity over the balance of the year. At the present time the Red Cross is taking care of a great many of these families down here.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. WHITTINGTON. Is it not also fair to state that according to the testimony before our committee when the tenant makes a crop he gets his part of the crop before the landlord gets a dollar?

Mr. REID of Illinois. There is no question about that.

Do not get the idea that anybody is a Santa Claus. Your Uncle Sam is not Santa Claus, and you are not doling out charity here. You are in the same position of a man who has a wild bull or a savage dog. All you have got to do is to keep that wild bull within the pasture or that savage dog or that mad dog in the pen. This river is the river of the United States. The State of Illinois or the State of Arkansas or the State of Louisiana has no jurisdiction over it, can not legislate in any way in regard to it, and yet it is permitted by the United States, the only agency that has control over it, to run wild and do this harm.

As I have told you, the people in Missouri would stop this project in a minute. They would never give the flood way. The flood way in Missouri does not help them. Why should the people in Louisiana give anything? It does not help them, but helps the people in Mississippi. So you see that if you depend upon any local interest for favorable action, there will be no flood control.

CONCLUSION

We are confronted with a condition, not a theory, and every hour's delay may add another chapter to the awful story of misery and death. The results of the flood of 1927 are listed hereafter, even if the horrors of that disastrous flood are not still fresh in the reader's mind. Under the present law the United States says to the threatened ones, "No pay, no protection." To stave off famine and probably the horrible fate of drowning, the people of the lower Mississippi Valley appeal to us. What shall our answer be? Let those loyal to the dollar stand aside while those loyal to humanity come to the front. No cold, discriminating policy of economy will decide this issue, and any party advocating such a move had better look to its laurels.

Some say that it is not the affair of the United States Government to do this work. But who can stand idly by and see that land devastated and depopulated, business interests destroyed, commercial intercourse cut off, and people starved and degraded?

It may be the naked legal right of the United States Government to stand thus idly by, but, if it does, it is not worth the name. And those who do so say do not represent American sentiment; they do not represent American patriotism.

This Congress is being appealed to; the South, the whole United States, and the whole world will judge our actions. Shall we stamp ourselves as petty and provincial, or shall we be recorded as magnanimous and national?

Is our civilization so little removed from barbarism that it will permit hundreds to be drowned and thousands to be made homeless and destitute? That they can not pay is not on account of their own indolence or neglect but because the progress of industry in other States pours down upon them oceans of destructive flood waters in order that those States may continue to progress and prosper.

As early as 1850 Congress was warned that the process by which the country above is relieved is also that by which the country below is ruined; yet we permit the destructive waters to ravage our towns and destroy the lives of our people. The river is as cold and heartless as an enemy in war. Yet we do not defend against it.

The Mississippi River has worked the deadliest wrong to this country—its gifts to the South are discontent, impoverishment, and degradation.

The farmer and his family must live in semistarvation, in wretched hovels, amid squalor and privations, barbed by the thought that any little money earned by labor and sweat from day to day will have to go to the Federal Government to pay for levees.

The loss in human life can not be measured. For who shall put an estimate upon the value of the souls destroyed by the same causes, and who shall gather the tears of the widow and the orphan, the bloody sweat of anguished families, and the griefs for loved ones lost, fortunes broken, and hopes destroyed, and weigh them in the scale with a pitiful appropriation of money?

After the flood had subsided these people had no homes to which to return; their fields have grown up to weeds, they have no mules, no implements of husbandry with which to begin anew the cultivation of the soil; they have no seed; they have nothing; yet they are asked to pay a special tax to be permitted to earn a living and to be saved from drowning.

The conscience of the whole country has been aroused by the frightful destruction in the lower valley. Nothing less than an adequate, comprehensive plan of 100 per cent flood control without local contribution will satisfy the people of this Nation.

If anyone asks why the Federal Government should be urged to take hold of this problem on a national scale and assume full responsibility for the time, labor, and great cost involved in obtaining complete control of the Mississippi River, surely it is sufficient to remind him that the drainage basin of this great river covers 41 per cent of the total area of the United States. Besides the great investment in the levees, the need of the Mississippi as a carrier of United States and foreign commerce, the havoc wrought to interstate commerce, and the interference with the United States mails when uncontrolled, the increase to the National Treasury when industry is not stopped, the safety of life and property, and the promotion of its general welfare—these formulate an adequate answer to his questioning attitude. To these might be added one thing that would be worth all the cost—national defense. No foreign foe can ever conquer us as long as navigation is kept open on the Mississippi.

There can be no flood control by local option. Let our duty be met squarely. We have evaded our responsibility long enough. [Applause, the Members rising.]

I have two minutes remaining, and I will be pleased to yield first to the gentleman from Wisconsin [Mr. FREAR], and then I will answer any further questions I can in that time.

Mr. FREAR. If I can talk for a moment in the gentleman's time, I will say that I have enjoyed his speech very much. It was an excellent presentation from his side of the question. There is no question about that.

Now, may I yield 15 minutes to myself, Mr. Chairman, and this is in no controversial spirit? I could talk like every Member of the House on the sympathetic side of the question, and I would be delighted to do so, but I am going to present to you several facts, if I may, in connection with what the gentleman has fairly presented, and I say this because I believe it. It has been a good argument from his side of the matter.

We have in the United States to-day a policy adopted over 10 years ago in the case of floods on the Mississippi River that one-third contribution shall be furnished by the localities. I am not now discussing the merits or the fairness of it, but this policy has been in existence for 10 years.

In the bill before us there is a provision for California. They have had a flood in the Sacramento Valley that is just as serious in its proportions as the Mississippi River flood, and this same committee of which I am a member—and we did this because we thought it was fair and proper—decided that the State of California should contribute one-third, the people who live in the valley should contribute one-third, and the Government of the United States should contribute the remainder of all the money that would be required to build levees and protect these

people from the disastrous floods they have in California. That is part of this bill.

This has been the policy of this Government, and I am not questioning at this moment whether it is the proper policy or not; but it has been the policy of the Government for over 10 years in the only two large cases that have been proposed.

Mr. TUCKER. Were those floods in navigable rivers?

Mr. FREAR. Yes; in both cases; and I have seen both of them, because I have been in the Sacramento Valley also.

The situation that confronts the American Congress, as I think, can fairly be taken from the address of the distinguished chairman—

Mr. MONTAGUE. May I ask if the Sacramento flood, to which the gentleman alludes, involved one State or two or more States?

Mr. FREAR. One State.

Mr. MONTAGUE. Then interstate commerce was not affected?

Mr. FREAR. No; it does not affect that.

The question is as to the saving of life and the saving of property. It is the one issue—

Mr. ABERNETHY. Will the gentleman yield?

Mr. FREAR. Will the gentleman let me make a connected statement?

Mr. ABERNETHY. I asked the gentleman to yield—I am entitled to some respect.

Mr. FREAR. I object to yielding now. There is no distinction, as I said, in the arguments that have been made here between interstate streams and State waters. Many of these projects that are now knocking at the door of this committee and of the Interstate Commerce Committee—many of them do not carry interstate commerce; but the seriousness of the situation is that the Mississippi River practically contains every proposition coming before us to-day. Are you going to decide that in all these cases you will not exact any contribution? That is for Congress to decide. If you do that—

Mr. ABERNETHY. Will the gentleman yield?

Mr. FREAR. Not now. We were very generous to the chairman of the committee because he was talking on the sympathetic side. I want to talk about the legal side. I can not understand a single reason to be advanced why the Wabash River, the Sacramento, the Arkansas River, the Red River, and other rivers can not come to us and say, What are you going to do for us, and why should we not be treated just the same way?

Mr. RAGON. Will the gentleman yield?

Mr. FREAR. Not now. If you are going to take that position, I say to you that you do not know where the end will be in omnibus bills that will come here for charges against the United States Treasury.

Now, in the CONGRESSIONAL RECORD of April 17 you will find that I introduced the opinion of as wise and experienced a body of engineers as were ever engaged in flood-control work, officials representing the Government. I am quoting from the Mississippi River Commission, which you will find on page 81 of the document before us. I read:

[From Report of the Mississippi River Commission on Contribution]

(P. 81, Committee Doc. No. 1, 70th Cong.)

The commission is firmly of the opinion that some degree of local financial cooperation is essential to a successful accomplishment of a flood-control project. This opinion is based not on a belief that local interests should share in the cost by reason of their being beneficiaries, but on the belief that without a local sharing in the cost the commission, as an agent of the Federal Government disbursing Federal funds, will be confronted by inordinate demands for flood-control works of large cost which will, if granted free of cost, be demanded for the protection of areas insignificant in size and value, merely because the owner would need to underwrite no part of the cost. Even with a local contribution of one-third, as is now required, the commission has been importuned to levee areas unworthy of the cost of such protection. The commission has been able in the past to apply Federal funds according to its best judgment by its adoption of and adherence to a policy requiring that applicants for Federal aid prove the worthiness of their levee projects. This has been possible because the only cases presented would, if approved, entail liability on the applicants for the costs of rights of way and one-third the costs of construction. With no restriction on demands the commission foresees a multitude of projects of little or no merit which it should deny in the interest of the public whose funds it will handle, but which, lacking authority to call for an outlay of funds by the applicants, it would find difficult or impossible to deny.

Mr. ABERNETHY. Will the gentleman yield now?

Mr. FREAR. Not until I finish my remarks. If the gentleman will give me a chance to finish my argument, I will yield. I will say this, the gentleman would not ordinarily interrupt

me. I never did it to anyone else in this manner. I want to make my statement, and then I will answer the gentleman's question.

The report of the Mississippi River Commission continues:

The commission would view with deep concern the adoption of a Federal flood-control project that would absolve local interests from participation in costs in levee maintenance. It believes that part of the cost thereof should be borne by the local beneficiaries. On the other hand, it believes that the Federal Government should pay part of the maintenance costs and should reserve full control of such work. The Federal Government alone is equipped with vessels and plant to meet emergencies and should stand ready to perform that function.

The commission believes that protection of lands of small value, except for timber and basins of small area, will be discouraged by a requirement for local participation in cost, as outlined in paragraph 356.

The commission is aware that its operations in the past have been at times hampered through the failure of some levee districts to furnish assurance of their share of the funds needed for levee work, thus adversely affecting the prosecution of the work, but believes that the advantages derived from local participation in costs would more than compensate for such disadvantages.

Of this commission it has been suggested that Colonel West made a statement to the effect that it was difficult in some cases. He lives at Greenville, which is in the center of the flood district. I do not blame him for feeling that way, but he agreed on this subject of contribution to the report I have read.

Now, I want briefly to answer some questions that have been put whether or not a part of this work can be carried on without the entire work being started at once. We have an amendment to offer in which the Government shall offer to any State, provided you determine it has any State agency, to accept money from the Federal Government and repay it as they do for any other purpose—sufficient in amount to meet their share of the contribution for flood ways or whatever it may be.

Beyond that we have a provision we desire to offer providing that the Secretary of War may take any place required in the general plan—

Mr. ABERNETHY. Will the gentleman now yield?

Mr. FREAR. I will not until I am through.

Mr. ABERNETHY. Then the gentleman intends to yield?

Mr. FREAR. Yes; publicly and privately I will yield to the gentleman and we will have a private talk. [Laughter.]

Mr. ABERNETHY. I only wanted information.

Mr. FREAR. I am giving it to the gentleman, but he does not listen. [Laughter.] Here is a letter from the ablest man we have had before our committee, the ablest engineer, a man the Government is relying on in the next bill to follow this. A man that has expended a billion and a half dollars. That is to say, he represents the Government in these expenditures. This is a letter from General Jadwin, and I think you are entitled to it, and without any criticism of the man. I believe last year he was the president of the American Board of Civil Engineers, the highest position that can be attained by any man in that profession. Anyone who knows him is familiar with his ability. I said to him that what disturbed me and what I wanted him to settle in my mind was in case of failure on the part of any particular district to comply and no money is advanced what the situation would be so far as this whole project of the Mississippi River is concerned. Here is a letter of April 12, and I will read you a portion of it. The whole letter can be found in the RECORD of April 17, 1928, at pages 6661-6662.

If there should be delay in effecting the necessary adjustments for the proposed Birds Point-New Madrid flood way, minor modifications can be made as indicated below so that only that section of Missouri immediately behind that flood way will be left unprotected against the superflood. The riverside levee from Birds Point to New Madrid is now lower in elevation than the levee around the city of Cairo. Excess water will go over that levee and relieve the situation at Cairo as it did in the 1927 flood at Dorena crevasse. The levee grade now is above the flow line of a flood equal to that of 1927, and even the lands back of the levee are protected except for a superflood exceeding that of 1927. A break in this section overflows a relatively small section of the St. Francis Basin east of the Sykeston Ridge. A small amount of levee work on the Sykeston Ridge will protect the lower St. Francis Basin from any accident due to the delay in constructing the flood way. Above Birds Point the levee can be raised up to Cape Girardeau and thus protect the northern part of the St. Francis Basin against a superflood. This area did not get wet in 1927. As a matter of fact, this entire section is not hard up on account of the 1927 flood, since there was no failure in southeast Missouri except that at Dorena. The water from this crevasse did get over the Sykeston Ridge in limited amounts. However, that contingency can be corrected as indicated at small cost.

The backwater or natural river-bed country on the Tennessee side has always been subject to the vicissitudes of the Mississippi River, and always will be, unless the channel is narrowed beyond safety, and narrow strips of land are reclaimed at unreasonable and uneconomic costs. The Reelfoot territory, the only land now protected on the east side of the river in this general latitude, is to be given additional protection under the project proposed because it is already behind a levee. This additional protection is to cost the United States about \$25 per acre protected. You can see that, if merely enlarging existing levees will cost this much, building new levees would cost a great deal more.

The entire letter covers every part of the Mississippi Valley.

The gentleman from Illinois [Mr. REID] spoke particularly about the difference between the Mississippi River Commission plan and the recommendations of the Chief of Engineers, General Jadwin, in regard to the situation at Cairo. When I first went into committee I said that we had to protect Cairo and that we had to protect the city of New Orleans, and I say that to-day. That is the first thing that we must do.

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. FREAR. I shall take five minutes more. The Mississippi River Commission proposed to build a levee 66 feet high at Cairo and leave Cairo in that dangerous position. That is, the Mississippi River Commission now in charge. I think it would be most dangerous and unfair to put the people of that city in that jeopardy. General Jadwin proposes, in the New Madrid district, to run this water off so that it does not increase the height at flood time on the levees at Cairo to over 56.6 feet. There is a difference of 10 feet between 66 feet and 56 feet. That is a difference in principle. The Chief of Engineers is trying to protect that city and trying to keep them from danger of flood, which might be brought about by the Mississippi River Commission plan.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield now?

Mr. FREAR. No; I am not through yet. I have something interesting to the House, if it is not to the gentleman.

The CHAIRMAN. The gentleman from Wisconsin declines to yield. He has the floor.

Mr. FREAR. I take up now the Boeuf flood way. General Jadwin proceeded there in the same way. Next there is the Atchafalaya, and you will find that in the RECORD of April 17, 1928, at page 6662. In this case he makes provision, as he does in every case, and he said that there is no danger but that can be taken care of by them. In addition to that, if they can not raise the money, if you have a district down the valley that can not raise the money, we propose to take care of it rather than break up the plan. I now yield to the gentleman from North Carolina.

Mr. ABERNETHY. Mr. Chairman, I want to ask the gentleman in fairness what proportion you want to require of these local communities? I am seeking light. The chairman says that 100 per cent is to be paid by the Government. What does the gentleman say the local communities ought to contribute?

Mr. FREAR. The suggestion is made in the Jadwin report of 20 per cent.

Mr. ABERNETHY. What does the gentleman say?

Mr. FREAR. The suggestion of the gentleman from New York [Mr. LaGUARDIA] is one-third in the case of flood ways, and I am willing to support any of them.

Mr. LaGUARDIA. Of the flood ways only.

Mr. FREAR. I am willing to support any one of those—anything to establish the doctrine of local contribution and to make it effective, because of the situation that we can see that is going to confront not only us but the American Congress in the future because of the demands that will be made in behalf of every tributary.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MURPHY. You are asking that these Southern States contribute, say, 20 per cent. Has the National Government asked the city of Cleveland, in my State, to contribute anything toward preparing harbor jetties, or have they done anything of that kind at New York?

Mr. FREAR. No; because that is for the general commerce of the United States.

Mr. MURPHY. And this is for the general welfare of the United States.

Mr. FREAR. In California they are asked to contribute one-third for the State and one-third for the people. If you say nothing is to be paid locally, an unlimited demand will come upon you.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. BANKHEAD. The gentleman has advocated local contributions where, as I understand it, the community is actually able to contribute.

Mr. FREAR. Yes.

Mr. BANKHEAD. Has the gentleman determined in his own mind or has he proposed any method or instrumentality by which he could determine that question?

Mr. FREAR. Yes. The Secretary of War or the Board of Engineers will make that examination.

Mr. BANKHEAD. On what basis? By valuation of real estate? What would be the basis?

Mr. FREAR. I would not care to go into that. For 10 years we have been providing that they should do it. Without question we have been providing that and are providing it in other States. You can offer an amendment in any way you choose to provide the exact machinery.

Mr. BANKHEAD. The gentleman's suggestion was to leave the method of ascertaining the local responsibility to Executive action?

Mr. FREAR. Yes. As Chairman REID said a few moments ago, the Mississippi River Commission did invest the money in case of emergency. Of course they did; and they did right, although in doing so they technically violated the law.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. LUCE. I have prepared a little statement which might be of interest and value, being pertinent to the subject the gentleman has been discussing. With the gentleman's permission I would like to insert it at this point.

Mr. FREAR. Very well.

Mr. LUCE. In the matter of costs perhaps the pending proposal and possible substitutes can be better understood if we try to think in and emphasize terms of acres rather than terms of millions of dollars.

The report of the Chief of Engineers gives \$224 an acre as the value of the property in the region subject to overflow—omitting the city of New Orleans.

The local expenditure for its protection has been \$24.93 an acre.

The Federal Government expenditure has been \$5.92 an acre.

Of late years two-thirds of the expenditure has been borne by the Federal Government, one-third by local interests. Were this basis continued, the pending proposal would mean \$18.05 an acre of contribution by the Federal Government; \$9.60 by local interests.

The Chief of Engineers recommends that four-fifths should be borne by the Federal Government, which would be \$21.66 an acre; and one-fifth by local interests, or \$5.42 an acre.

The pending bill proposes that all be borne by the Federal Government, \$27.08 an acre.

Were the advice of the Chief of Engineers to be considered, the question would seem to be whether property now worth \$224 an acre would with adequate protection be worth at least \$229.42 an acre, being the present value plus the local contribution. If so, then there would be no local burden in case term of payment were adjusted to the situation. The increment would balance the outlay. If the increment were more than \$5.42 an acre, a little in excess of 4 per cent, then the property owners of the region would by so much gain at the expense of the country as a whole.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MURPHY. The gentleman made the statement that the problem before us is taking care of the flood waters of 31 States, quite a different problem from that of the State of California in that it involves only one river.

Mr. FREAR. The gentleman is taking my time. The Red River, the Arkansas River, and every other river is subject to the same argument that the gentleman is making. They are all interested, just as is the Mississippi Valley. The gentleman has been listening to these discussions for five months, and he ought to be familiar with the facts.

Mr. MURPHY. Does the gentleman ask the State of New York to take care of the harbor in New York?

Mr. FREAR. No. The gentleman should understand the distinction.

Mr. MURPHY. I do not understand the distinction when 31 States are throwing their water down into the Mississippi Valley.

Mr. REID of Illinois. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, having had under

consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, reported that that committee had come to no resolution thereon.

LAW LIBRARY OF THE LATE ELBRIDGE T. GERRY

Mr. MAPES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3640 and put it upon its immediate passage.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3640) authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry

Be it enacted, etc., That the Chief Justice of the United States is authorized to accept on behalf of the United States, for the use of the Supreme Court, the gift of PETER G. GERRY, a Senator of the United States from the State of Rhode Island, of the law library bequeathed to him by his father, the late Elbridge T. Gerry.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDRESSES BY HON. MARY T. NORTON

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including the address delivered by the lady from New Jersey [Mrs. NORTON] on April 18, 1928.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JACOBSTEIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by Hon. MARY T. NORTON, a Representative in Congress from the State of New Jersey, at the Daughters of the American Revolution Convention, Washington, D. C., April 18, 1928:

WOMAN'S PATRIOTIC PRIVILEGE

It is a privilege and a pleasure to come here to-night to address this very representative American audience and to greet your distinguished president general, Mrs. Brosseau, and the delegates gathered here in the interest of the welfare of our beloved America.

Your organization, more than any other, perhaps, is expected to lead in those things that have been in the past and shall continue to be in the future the broad-minded policies of a free people. So it is with a very secure feeling of understanding and cooperation that I address myself to the subject that has been assigned to me, "Woman's patriotic privilege."

The title brings me back many years, to my youth, when our progressive farseeing sisters started on a very discouraging crusade to establish patriotic privileges for women; and the thought has come to me that, perhaps, it would be well for me to-night to ask whether or not we have availed ourselves of those privileges, as well as to present to you some reasons why we should do so.

To the first question, I would say that according to statistics we have completely failed in recognizing our privilege and availing ourselves of the means whereby we could make a real worth-while contribution to good government. It was hoped that giving the vote to women would arouse a more general interest in the obligations of election day. For the last two presidential elections the average has been less than 50 per cent. There is no way to divide the total vote cast by men and women; but of the 27,000,000 votes cast it was estimated that only 37 per cent represented the vote of women in 1920, the first election after the adoption of the suffrage amendment.

The senatorial vote of 1922 revealed some astonishing facts. In not a few of the States the vote cast for senatorial candidates was less than 50 per cent of the total vote. In not a single case did the successful candidate secure anywhere near a majority of the total vote; in other words, they were elected by the minority.

In the presidential election of 1924 a great effort was made to get out a larger participation on election day, and prominent patriotic organizations and individuals attempted to get the people to the polls. When the vote was counted it was found that it showed little improvement over the results of 1920, 51 per cent of the voting strength of this country discharging the obligations of citizenship.

When we hear of corruption in politics, what has been our reaction? If the corruption touches us, we naturally recoil from it and are horrified that such conditions do exist. If it does not touch us, we decide that it is none of our business and forget about it if the newspapers permit us to do so.

Do we ever think that part of the condition is our own responsibility? Rarely. And yet this is true, for we have been given a weapon to fight with that is greater, if correctly used, than all the arguments ever spoken or written to purify politics. Our country is just as good, or just as bad, as its citizens; and unless we all take a proper and sincere interest in government, and use that sacred weapon, the ballot, we have no right to criticize or complain of the very worst government. Do you realize the great moral strength that can be secured to government through the proper use of the ballot? Must it come through a great calamity, that all the women of the country shall use the ballot?

If you thought that to-morrow your country would again find itself in a position of defending its honor, and your sons were called to that defense, would you still stand aside and allow a minority to assume the responsibility? I think not.

When the unthinking women of the country are clamoring for peace, and are led along by propagandists reared in the school of sovietism—to believe that peace can be secured only through destroying the great American Army and Navy, and this sinister influence is reaching out to destroy those who would uphold the sacred traditions of our country—would you, then, use your patriotic privilege? I think you would. Why wait, however, until the necessity arises? We have in our country the finest types of womanhood to be found anywhere in the world, and their influence at elections would be tremendous if only they could be brought to realize their importance and organize their full strength.

We hear pacifists all around us, imploring us not to add sufficient strength to our Navy to give us even a fighting chance to save our honor if we were called upon to defend it. Unthinking, well-meaning people who do not realize the dangerous element at work to undermine the foundation of our country.

We want peace; we long for peace; but the peace that is worth having is worth being prepared at all times to defend.

When a doctor is called to a patient, if he knows his business, he isn't satisfied with merely prescribing for the ailment; he takes precautions against the possibility of a more serious ailment, and his dose of prevention is always worth a pound of cure.

This, then, in a greater sense, seems to me the position we are in regarding peace.

We are not preparing for war because we intend to keep our Navy in good condition. We are merely taking precautions against any condition developing that would lead us into war.

I voted, very recently, to add 15 cruisers and 1 airplane carrier to strengthen our Navy, and I say to you to-night that I did so hating war with all my soul; with the never-fading picture before my eyes of millions of boys stricken in their young manhood, when life held the greatest promise; with the recollection of days and nights of great sorrow, when orders came to the camps to prepare to go forward. We were unprepared then, but it did not keep us out of war.

You have heard what took place at the Geneva conference. You know that it is true we were the only nation to live up to the 5-5-3 agreement, and in view of all this do you believe the pacifists who are preaching the philosophy of unpreparedness?

Last year I spoke before you at the Conference on National Defense and urged you to bring all the influence at your command in order to pass an appropriation bill to secure the building of three cruisers to add to our national defense. You did so.

To-night I am here to urge you, as a patriotic privilege and duty, to again do your part to have the Navy program bill, which has already passed the House, acted upon favorably in the Senate, that it may be signed by the President and become a law, not to promote war but to safeguard peace.

We must be prepared to serve notice on all the nations of the world that we want peace so much that we stand ready at all times to defend it.

I am a member of the Veterans' Committee, where the aftermath of war is constantly before me, where never, for even a day, can I forget the suffering of those human derelicts who, a few short years ago, had reason to feel that life held every promise of joy and happiness; and yet with a heart full of sorrow for their great suffering I say to you that we must have no quibbling with well-meaning, but poorly informed, pacifists, who, if their theories were permitted to govern the actions of those responsible for our country's safety, would lead us not away from but into war.

Perhaps I have wandered slightly from my subject, and yet it is interwoven with all that I have said to you to-night, for through your patriotic privilege you can do much to bring about all of the things for which your organization stands and prevent many of the errors entered into through mistaken impulses and, more often, false propaganda.

It is a matter of regret that our country, to-day, to a great extent, is controlled by propaganda, good and bad, but more often bad. In many instances hate is taking the place of love; racial and religious controversies are brought into the most innocent gatherings, and without realizing the insidious propaganda responsible for the intrusion

of subjects that should be sacred to us, as individuals, we permit our passions to rise and forget the teachings of the Master, who came on earth to preach peace and good will to all.

It, therefore, behooves us, as patriotic women, to inform ourselves of all that concerns the well-being of our country, and realizing our responsibility, avail ourselves of that sacred and patriotic privilege which came to us through the hardship and labor of those courageous women of this and a past generation who, realizing that the time would come in the life of our beloved America when its women would be needed, bequeathed to us a priceless gift to use intelligently and with which to defend the policies of a country whose flag typifies all that is purest and best and whose Constitution brought freedom and happiness to the people of all races and religions, who came to our shores from every country in the world.

If I have succeeded to-night in arousing in you your responsibility as a patriotic American; if the teachings of your organization mean all that they should mean to you individually; if the presence of the Unknown Soldier in our beautiful cemetery at Arlington stirs your imagination and brings to your mind that never-to-be-forgotten spring day when hundreds of thousands of the best America had to offer crossed the ocean to answer the call and dedicated their young manhood to the cause of justice and patriotism, then may I beg you organize and bring to the elections next November your full strength in votes, thereby proving, not only to our own people at home but to our sisters abroad, that woman's patriotic privilege is appreciated and that the women of America will answer the call for honesty in government and keep the Stars and Stripes flying in all its strength and purity.

Mr. SOMERS of New York. Mr. Speaker, I make the same request, to print a speech made by the same Representative.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOMERS of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by Hon. MARY T. NORTON, a Representative in Congress from the State of New Jersey, over the radio, April 17, 1928, in the "Voters' service" program broadcast from station WRC, Washington, D. C.:

ISSUES BEFORE THE DEMOCRATIC PARTY IN 1928

Visioning my great American audience, it is a privilege to address you, and may I hope that my message to you to-night will awaken the conscience of those men and women who constitute the silent voters of the country. A minority that could bring about any reform in our Government.

I have been asked to discuss the issues before the Democratic Party in 1928.

It is a big subject to dispose of in this short time. Therefore, of necessity, I may touch only the high spots as I see them.

The most important issue is whether or not this country shall continue as a democracy or return to federalism? Shall the political philosophy of Hamilton prevail, as evidenced by the constantly increasing bureau control over the States, or shall we reassert our independence and continue the government philosophy of Jefferson? Whether or not paid propagandists are to dominate this country? Any unbiased person who has carefully followed the trend of government during the past seven years must realize that big business and all that it typifies is in the saddle, driving those who are supposed to run the machinery of government whichever way it wills. Efficiency has taken the place of humanity, and God help those who are caught in the wheels of this grinding machinery.

When one thinks of the "Main Street" attitude of our people in many parts of the country, quarreling about nonessentials, when perhaps the very life of the Republic is threatened from within and without, one can not help wondering just what sinister forces are at work to bring about so strange a condition. When it has been demonstrated so conclusively that the Republican administration has permitted a segment of big business, which seeks and receives special favors from the hands of this administration, to frame and carry through the policies of government, even to stealing the properties which belong to and were owned by the Government, it would seem to any thoughtful citizen that the time had come for us to think of the real important issues before us and place in correct position those controversial questions which have no real bearing on the country and should be relegated to their proper place.

Never since Jackson's time has our country been so greatly in need of spiritual rehabilitation. Never since have the forces of public greed and corruption been so demonstrated, and yet there are men and women listening-in to-night so little interested in the welfare of their country that they will not cast a ballot even to save its honor.

They call themselves Americans; yet what part have they played in upholding the integrity of America? "Stay-at-homes," who are too indifferent to avail themselves of the God-given privilege of the ballot to keep their country safe and secure from those who would destroy it.

What kind of Americans are we to permit corrupt business to dominate the policies of the country, to dictate terms to a free people?

Do we want efficiency at the expense of humanity? Do we desire the survival of the few or the happiness of the great American family? Must the dollar mark transcend every inspiration in the heart of America?

I do not think so. Whenever this country has been threatened by exploiters there has always come a rebuke from the thinking people of our land. Those who have revered the traditions of this great country, slow to anger but mighty in action when those traditions are threatened.

A great army of peaceful people, carrying high a banner typifying those things for which our forefathers gave their blood—democracy in its broadest sense, freedom of conscience, freedom of the press, freedom of religion, the greatest good to the greatest number.

These are some of the issues before the people to-day, and their solution will be found in the election of a Democratic President, who will have the courage, honesty, ability, humanity, and determination to carry through the wishes of the masses as against the privileged few who are dominating our country and undermining its foundation.

When we elect a man who will consider the prosperity of the farmer as important as the prosperity of the banker; when the just claims of the great army of Government employees shall be given full consideration and they receive a living wage for their contribution to government; when the claims of the war veterans, who a few short years ago responded with their young manhood to the call to arms to make America safe shall have been generously considered; when we consider charity at home as important as charity abroad, and the flood sufferers in the South have been as fairly dealt with as the bankers of the country—then, and not until then, shall we have established humanity in government and destroyed the spectre of sovietism, which from time to time rears its ugly head.

Ours is conceded to be the greatest country in the world and it is our big task to keep it great. We have all the necessary implements to continue its greatness, but shall we use these implements?

Shall we permit a minority to do our thinking and stand in the middle of the road, or, with conscious individual power, stand together on the side of the road and issue our ultimatum for honesty in government, destruction of bureaucracies, return to State rights, a sound international policy; Army, Navy, and aviation forces that will maintain the respect of all nations and keep peace in our own; a Government concerned in the happiness and well-being of the great American people, who have come to our shores from the nations of the world seeking happiness and freedom in the land of prosperity?

These are our issues, and if you agree with me that the time has come to restore political liberties which have been destroyed through economic opportunities offered to the favored few; if you believe in the distribution of wealth among many rather than the special privileged class; a government to protect the weak; a tariff that will apply to the needs of the farmer in the same proportion that it applied to the industrialist; a return to the good old-fashioned theory of State rights instead of taking orders issued in bureaus at Washington—then I ask you to vote your full strength at the election in November and bring back to power in the Nation the party of Jefferson, Jackson, and Wilson; that party who, during the most trying period of our country in the conduct of a great war, emerged without one stain of dishonor.

Contrast those eight years of Democratic rule with the eight years since, under Republican dishonesty and corruption, and your answer will be the election of a Democratic President next November.

FARMERS' CONDITION AND SURPLUS-CONTROL LEGISLATION

Mr. FULMER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. FULMER. Mr. Speaker, under leave to extend my remarks I am inserting herewith speech delivered by me over radio WTEF, Washington, D. C., on the evening of April 18, 1928:

The speech is as follows:

In the beginning of agriculture and on down through the ages the farmer's chosen aim was to provide the necessities of his household. He has been the outstanding example of self-dependence. While farmers have not abandoned the primary object of providing for his own family, he has branched out into the fortunes of business. He is now being called upon to clothe and feed the world. He is both proprietor and wage earner. Farmers producing the staple agricultural commodities deal almost exclusively as an individual both in buying and selling; therefore he is attempting to perform a variety of functions such as now obtained in almost no other trade. It is too much to expect a farmer to be an efficient producer as well as an expert salesman. He is supposed to be a judge of market conditions as well as an astute financier. He is to-day the only individual in business that absolutely has no control as to the price he must pay for what he buys or as to what price he shall receive for what he sells.

The farmer's business, while no fault of his, is the biggest gamble in the world. He is dependent upon weather conditions in getting his

crops properly started. When his crop is in the most promising condition a wet or dry season may come along and completely destroy it. Or it may be destroyed by pest. If for any of these reasons he makes a short crop, although the price may be fair, he is short of the product. Should God Almighty send forth rain and sunshine ideal for a good harvest and withhold the ravages of the boll weevil, pink bollworm, corn borer, and other crop pests, thereby blessing him with a bountiful yield, the speculator steps in and fixes the price very often below the cost of production. Therefore while he is blessed with a wonderful crop which should prove to be a blessing, it more often proves to be a curse.

There is a class of opponents to farm-relief legislation who know just about as much about agriculture and what farmers have to contend with as a jack rabbit knows about Sunday. They say, "Let the farmers adjust their production so as to meet the actual demand."

The quantity and quality of production on the part of the producer is a gamble. He can cut his acreage, and if blessed with proper seasons and not bothered with crop pests he can produce a surplus. On the other hand, he may increase his acreage, but because of these unforeseen things over which the farmer has no control, his yield may be far below his average production. It is the philosophy of the farmer when prices are low that to be able to pay his obligations and carry on he must increase his acreage, hoping to increase his yield, so as to be able with a low price to bring in the total number of dollars because of the quantity of his production to meet his obligations. Those who do not understand this viewpoint on the part of the farmer will tell you that just the reverse will happen; that is, stimulate the price for that which he produces and the acreage will be so increased that it will bring about an overproduction. It is quite the reverse with every other line of business. Manufacturers can visualize a prosperous season in the future, and therefore take on extra labor, run their machinery full time not only in the day but at night, thereby increasing the output so as to be ready to reap the rich harvest. On the other hand, if they see changed conditions, prospects that look blue, perhaps orders already taken for their merchandise for future shipment are being canceled, they can cut down on their labor, put their plant on part time, and curtail production.

The farmer is the only man in business to-day that can't tell you from one day to the next what his merchandise is worth. Not that he does not know the cost of producing but because, as stated a few minutes ago, he hasn't the marketing machinery, finances, or any way to control distribution or the orderly marketing of his products. He is forced to buy from those who are highly protected under special legislation or from thoroughly organized combinations who are able to monopolize and fix the price. In the meantime, the farmer is forced to sell for prices based on a world's market and through a marketing system owned and operated by millions of middle men and speculators who gamble on the farmer's product and fix the price thereon both to the producer and consumer.

When the cotton farmer of the South buys his fertilizer and plants in the spring, cotton may be selling for 20 cents per pound. When he gets ready to sell in the fall, the speculator may have sold enough futures to put the price down to 15 cents. A cotton farmer may go to his market and sell cotton on Monday for 20 cents, and his neighbor may go to market on Tuesday with the same grade of cotton and get only 18 cents, a difference of \$10 per bale. The speculator and the Government may put out bear dope as to farmers' intentions to plant, as to crop conditions, weather, and farm pests and depress cotton prices several cents per pound, and one week later put out reports just the reverse and put cotton up 5 cents per pound.

The cost of living to farmers as well as to all other consumers during the 14-year period from 1913 to December, 1927, inclusive, increased on an average of 72 per cent, according to figures made public by the Bureau of Labor Statistics on January 25. Food in the United States as a whole increased during this period 56 per cent, clothing 63 per cent, housing 60 per cent, fuel and lighting 83 per cent, house-furnishing goods 105 per cent, and miscellaneous items 105 per cent.

It is generally understood that for the past seven years farmers have lost ground compared to workers in other lines and have failed to receive an income equivalent in purchasing power to that of the pre-war period. Since 1920 but few farmers have been able to make ends meet. The majority have failed to maintain their position as compared with earlier years and thousands have lost their property.

We are told by the Census Bureau that about 2,000,000 persons annually for the past few years have left the farm.

In 1910 real-estate mortgage indebtedness amounted to \$3,320,470,000. In 1920 it had climbed to \$7,857,700,000. In 1926 it had reached the enormous figure of \$12,000,000,000. Surely these figures ought to convince those who are now proposing legislation to simply lend additional money to farmers. Farmers are not so concerned about additional loans, but fair prices for that which they produce on a basis of that which they buy, so that they might be able to pay their obligations and carry on like other concerns. Direct taxes from farm property averaged \$891,000,000 in 1909-1914. In 1920-21 taxes soared from \$596,000,000 to \$848,000,000, or about a 42 per cent increase, while at the same time the income of the farmers dropped from \$16,621,000,000 to \$10,313,000,000, a decline of 39 per cent. (In 1923

farm taxes amounted to \$624,000,000. In 1924-25 there was a 236 per cent increase.) During the period from 1905 to 1914 farm bankruptcies averaged 14 out of every thousand farms. Nineteen hundred and twenty-four, 1925, and 1926 bankruptcies had increased to 125 out of every thousand. In 1880, 25 per cent of all farms were run by tenants; in 1920, 38 per cent; and in 1925, 60 per cent. From January 1, 1920, to December 31, 1927, we had bank failures numbering about 4,000, with deposits amounting to \$1,200,000,000, and three-fourths of these were located in agricultural States.

The Federal Government has been and is spending millions to help control and eradicate farm pests and to increase production. In other words, trying to make two sprigs grow where one used to grow, but after a glorious production, farmers are left as so many individuals, unorganized, to go up against a thoroughly organized and well-financed marketing system, owned by those who buy their products, and a speculative interest to be robbed of his products and his labor. Not only is the producer under the present system being robbed, but because of the millions of parasites operating between the producer and consumer, the consumer is being robbed also.

I am sorry that I haven't the time to enlighten you on prices received by farmers and prices paid by consumers for various farm products, therefore, I shall mention only one product—sweet potatoes—selling in my State, South Carolina, by the producer for 50 cents per bushel, while the consumers in the large cities, for instance, New York, are paying \$6 per bushel. It is said by those who oppose the McNary-Haugen farm-relief legislation, "Let the farmers organize and help themselves." This has been tried and tested for the past 50 years, and because of the various types of farmers, their financial condition, as well as many other reasons, they have been unable to organize, therefore I believe with Abraham Lincoln when he said, "That which a people should do for themselves, but could not do, the Federal Government should do it for them."

The world to-day needs every pound and every bushel of farm products, and at a fair price. Therefore it is my contention that if we had the machinery set up under the McNary-Haugen bill properly financed by the Government in the way of a subsidy, which the farmers do not want, or by an equalization fee so as to create the funds for properly organizing and controlling their own products which would bring about orderly marketing, stabilization of prices, that would be fair to the producer as well as the consumer.

Farmers being unorganized have very little voice in their Government compared to other smaller groups like the railroad interests, manufacturing and banking interests, who are not only thoroughly organized financially but politically, and are therefore able to control the administration now in power. In other words, because of the political and financial power on the part of big business and special interests they are not only able to have special legislation passed by the Congress in their interest, but are able to prevent the passage of legislation that would put producers on a basis of equality.

When one who is anxious to represent the great agricultural interests of the country, composed of 30,000,000 helpless citizens under the present system, by trying to legislate for a marketing system, orderly marketing, and the stabilizing of prices so as to guarantee a fair return to the producer he is told that it is economically unsound and unconstitutional.

The Congress, however, in 1920 passed the transportation act increasing the membership of a Federal board known as the Interstate Commerce Commission. While this board is appointed by the President of the United States and confirmed by the Senate, it seems to be almost impossible to get a man appointed thereon unless he is O. K'd by the railroad interests. This board not only fixes the valuation of all railroad property at a high valuation, including the millions of acres of land given to the railroad interests in the earlier days by the Government, but month by month they absolutely fix freight rates based on this valuation, to be paid by producers and consumers at a figure that will not only pay all expenses, labor, improvements, new equipment, high-priced salaries for officials, but a net income of 6 per cent on their investment. This board absolutely controls the operations of the railroads. If the railroad interest wants to cut out the operating of any line or build new lines or sell bonds, it is passed on by this board. Farmers would be delighted to have a similar board that would take stock of their capital invested in their farms, machinery, etc., counting the cost of operation, taxes, and labor, and then fix prices on their products so as to pay all expenses and give to them a net 6 per cent on their investment. A few years ago when railroads were doing business in competition to each other, without the benefits of this special legislation, they were in just about as bad condition financially as farmers are to-day.

In 1922 a Republican Congress passed what is known as the Fordney-McCumber tariff bill in the interest of the manufacturing interests, not only containing the highest tariff rates ever written in a tariff bill but a provision whereby the President of the United States on the request and by proper showing on the part of the manufacturer can even increase tariff rates, all of which are costing producers and consumers millions of dollars annually in the way of profits to the manufacturer and in indirect tax to the Government.

We are told by the Republican Party that this special legislation is necessary because manufacturers can not compete with foreign markets; yet under the present system farmers are forced not only to pay for this protection given the manufacturers but are forced to sell their products based on a world market in competition with foreign producers. Of course, the party in power has placed in the tariff act certain rates on farm products—for instance, 42 cents on wheat—but even farmers who grow wheat have found out that this is only a joke.

Wouldn't it be just as fair to say to the manufacturer as well as to the railroad interests when they asked for this special legislation the same thing that the opponents for special legislation for agriculture, that "it is unconstitutional and economically unsound. You should help yourselves and not ask for Government assistance."

Farm products in their raw and unmanufactured state are bulky and heavy. You can ship 1 bale of cotton just as cheap as you can 1,000 bales per hundred pounds. A bushel of corn weighing 56 pounds, worth \$1, will cost just as much in the way of a freight rate as a suit of clothes that sells for \$50 for the same distance shipped. The manufacturer with the tariff is enabled to so increase his domestic price and profit that he is able to dispose of his surplus by dumping same in foreign markets at considerably lower prices than the domestic price.

Under the present system, although wheat growers have been given a 42-cent per bushel tariff rate, they are unable to make it apply; therefore when they ask for legislation to do the very thing that the manufacturer is doing under his tariff legislation he is called a radical.

The same day the President vetoed farm relief legislation he permitted a 50 per cent increase in the tariff rate on steel for the benefit of the Steel Trust of this country.

We passed an immigration law, and I am for it, limiting immigration so as to enable labor to fix prices without competition of cheap foreign labor.

It is said by those who oppose the McNary-Haugen bill that the equalization or stabilization fee contained therein is a tax on farmers' products. Under the bill this fee, say, \$2 or \$5 per bale of cotton, is to be paid by all cotton farmers into a stabilization fund which is controlled and administered by a Federal board composed of 12 men. Not one penny would go to the Government. If this was a taxing scheme, this money would go into the Federal Treasury like all other tax receipts. On the other hand, for what purpose is it to be used? To be advanced by the board to certain agencies through marketing agreements; to be used by this agency, not the Federal board, to buy up for orderly marketing the surplus when blessed with a surplus, as was the case in 1926. This would enable farmers to hold their own cotton with their own funds, with equal burdens on all cotton farmers, and feed it back into the market in an orderly manner and during short crop years, like the one in 1927, following the large crop of the previous year. Is there anything unfair about this? Mr. Clayton, of Anderson-Clayton Cotton Co., says it can be done and would solve the cotton farmers' problem, but he also says that he is against the farm relief legislation. He is for letting the farmers organize and help themselves.

About the time farmers were ready to sell cotton in the first of the fall in 1926 cotton was selling for 18 cents. Crop prospects were good and everybody happy. About this time a Government crop report was given out estimating a crop of about 15,000,000 bales, and cotton began to decline. Every 15 days these reports were issued, each time increasing their estimate, until a final estimate of about 18,000,000 bales, which carried the price of cotton down to 11 cents for good cotton and as low as 6 cents for low-grade cotton. What happened? Farmers had to sell. Merchants and banks were calling them speculators and buyers of cotton were buying the actual cotton at their own price and selling futures against same, which helped force the price down. During the 12 months that followed mills and speculators in the United States bought 8,000,000 bales and foreign countries bought and exported 11,000,000 bales, making a total of 19,000,000 bales, 1,000,000 more than was produced that year, and 5,000,000 bales more than was bought during the previous year.

After this cotton passed out of the hands of the producers, along came the short crop of 1927, about 12,750,000 bales, and prices advanced to as high as 24 cents first of the fall of 1927. Now, who is paying the tax—the farmers who sold their 1926 cotton at from 6 cents to 12 cents per pound, or those who bought it and sold during the next spring or the first of the fall of 1927 at from 15 cents to 20 cents, a difference of about \$50 per bale, or a difference of \$250,000,000 out of the pocket of the unprotected producers into the pockets largely of those who opposed farm relief?

In closing I am reminded of the statement of James J. Hill when he stood on the bank of the Red River, which separates Minnesota from North Dakota, and looked across the vast expanse of what was then considered a desert and is now known as the "bread basket" of the world: "Not armies or navies or commerce or diversity of manufacture or anything other than the farm is the anchor which will hold through the storms of time that swoop all else away."

Surely a prosperous agriculture is fundamental to the success of all related business enterprise and to yourself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BURTON (at the request of Mr. BEGG), indefinitely, on account of important business.

To Mr. WHITE of Kansas (at the request of Mr. HOCH), indefinitely, on account of illness.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to inquire how the time remains for general debate on this bill?

The SPEAKER. The Chair is advised that 20 minutes remain, all in the control of the gentleman from Wisconsin [Mr. FREAR].

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison; to the Committee on Claims.

S. 605. An act for the relief of Capt. Clarence Barnard; to the Committee on War Claims.

S. 1271. An act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes; to the Committee on Agriculture.

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard*; to the Committee on War Claims.

S. 1646. An act for the relief of James M. E. Brown; to the Committee on Claims.

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all money now held by the Government of the United States on a purchase contract of steamship *Orion*, who are judgment creditors of the Black Star Line (Inc.) for wages earned; to the Committee on Claims.

S. 2438. An act for the relief of the firm of M. Levin & Sons; to the Committee on Claims.

S. 2463. An act to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926; to the Committee on Military Affairs.

S. 2473. An act for the relief of Will J. Allen; to the Committee on War Claims.

S. 3030. An act for the relief of Southern Shipyard Corporation; to the Committee on Claims.

S. 3057. An act authorizing the Secretary of War to transfer and convey to the Portland water district, a municipal corporation, the water pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland water district, and for other purposes; to the Committee on Military Affairs.

S. 3269. An act providing for the advancement on the retired list of the Army of Hunter Liggett and Robert L. Bullard, major generals, United States Army, retired; to the Committee on Military Affairs.

S. 3314. An act for the relief of John J. Fitzgerald; to the Committee on Claims.

S. 3556. An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; to the Committee on Agriculture.

S. 3776. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title; to the Committee on Public Lands.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11203. An act granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and

operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville Ferry in Telfair and Coffee Counties, Ga.;

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; and

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 350. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.;

H. R. 475. An act to permit taxation of lands of homestead and desert land entrymen under the reclamation act;

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1970. An act for the relief of Dennis W. Scott;

H. R. 2294. An act for the relief of George H. Gilbert;

H. R. 6431. An act for the relief of Lewis H. Easterly;

H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;

H. R. 7518. An act for the relief of the Farmers' National Bank of Danville, Ky.;

H. R. 8550. An act to amend the national defense act;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes;

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia;

H. R. 8983. An act for the relief of William G. Beaty, deceased;

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia, and State of Pennsylvania;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 10038. An act for the relief of Wilford W. Caldwell;

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California;

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; and

H. J. Res. 244. Joint resolution authorizing the modification of the adopted project for Oakland Harbor, Calif.

ADJOURNMENT

Mr. REID of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Friday, April 20, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, April 20, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

A bill to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries (H. R. 13151).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

For recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes (H. R. 7495).

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended (H. R. 10958).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States (H. R. 12288).

COMMITTEE ON EDUCATION

(10.30 a. m.)

Designating May 1 as child-health day (H. J. Res. 184).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

455. A letter from the Secretary of Commerce, transmitting draft of a proposed bill to relieve Julian E. Gillespie, temporary special disbursing agent of the Bureau of Foreign and Domestic Commerce, in the matter of certain expenditures; to the Committee on Claims.

456. A communication from the President of the United States, transmitting supplemental estimate of appropriation under the legislative establishment, United States Senate, for the fiscal year 1928, in the sum of \$1,200 (H. Doc. No. 236); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 7904. A bill to transfer to the city of Duluth, Minn., the old Federal building, together with the site thereof; without amendment (Rept. No. 1307). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12409. A bill to grant to the city of Fort Wayne, Ind., an easement over certain Government property; without amendment (Rept. No. 1308). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. J. Res. 249. A joint resolution granting an easement to the city of Duluth, Minn.; without amendment (Rept. No. 1309). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOWMAN: Committee on the District of Columbia. H. R. 12947. A bill to regulate the practice of the healing art to protect the public health in the District of Columbia; with amendment (Rept. No. 1310). Referred to the House Calendar.

Mr. WINTER: Committee on Irrigation and Reclamation. H. R. 10308. A bill to investigate and determine the feasibility of the construction of an irrigation dam on the Greybull River, Wyo.; with amendment (Rept. No. 1312). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on Irrigation and Reclamation. H. R. 10309. A bill to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River, Wyo.; with amendment (Rept. No. 1313). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 10435. A bill providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War; with amendment (Rept. No. 1314). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 12879. A bill to repeal section 1445 of the Revised Statutes of the United States; without amendment (Rept. No. 1315). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHARACH: Committee on Ways and Means. H. R. 13143. A bill to adjust the compensation of certain employees in the customs service; without amendment (Rept. No. 1316). Referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS: Committee on Immigration and Naturalization. H. R. 12816. A bill relating to the immigration of certain relatives of United States citizens and aliens lawfully admitted to the United States; without amendment (Rept. No. 1317). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12952. A bill to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; without amendment (Rept. No. 1311). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12839) granting an increase of pension to Beckie E. Hyman, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIOTT: A bill (H. R. 13171) authorizing the Secretary of the Treasury to accept a franchise from the government of the city of New York, to change the routing of the pneumatic-tube service between the customhouse and the present appraiser's stores building, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. LaGUARDIA. A bill (H. R. 13172) authorizing an appropriation of \$1,000 for the erection of a tablet or monument on the grave of Linnie Love in Cornelius Cemetery, Washington County, Oreg.; to the Committee on the Library.

By Mr. BOWMAN: A bill (H. R. 13173) to amend the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. YON: A bill (H. R. 13174) declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes"; to the Committee on Military Affairs.

Also, a bill (H. R. 13175) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated under franchises granted by them, a toll bridge across Pensacola or Escambia Bay, in the State of Florida; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13176) granting the consent of Congress to the boards of county commissioners of the counties of Escambia, Fla., and Baldwin, Ala., their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated under franchises granted by them, a toll bridge across Perdido Bay in the States of Florida and Alabama; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13177) granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, their successors and assigns, to construct, maintain, and operate, or to cause to be constructed, maintained, and operated, under fran-

chise granted by them, a free bridge across the Santa Rosa Sound, in the State of Florida; to the Committee on Interstate and Foreign Commerce.

By Mr. LAMPERT: A bill (H. R. 13178) to amend the national prohibition act, as amended, and as published in title 27 of the Code of Laws of the United States of America (44 Stat. L. pt. 1); to the Committee on the Judiciary.

By Mr. PORTER: A bill (H. R. 13179) to provide for reorganization of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WAINWRIGHT: A bill (H. R. 13180) to define the promotion-list officers of the Army, and to prescribe the method of their promotion, and for other purposes; to the Committee on Military Affairs.

By Mr. WELSH of Pennsylvania: A bill (H. R. 13181) authorizing the sale of the old Lazaretto property at Essington, Delaware County, Pa., to the Yacht Repair & Storage Co.; to the Committee on Public Buildings and Grounds.

By Mr. HILL of Alabama: A bill (H. R. 13182) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama*; to the Committee on Naval Affairs.

By Mr. SIROVICH: Joint resolution (H. J. Res. 278) appointing a commission of 15 to inquire into the subject of old-age dependency in the United States and proper method of its relief, and to report back its findings within two years; to the Committee on Rules.

By Mr. RATHBONE: Resolution (H. Res. 173) amending the Rules of the House of Representatives by adding thereto a rule relative to the admission of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 13183) for the relief of James E. O'Donnell; to the Committee on Claims.

By Mr. W. T. FITZGERALD: A bill (H. R. 13184) granting an increase of pension to Mary A. Gnau; to the Committee on Invalid Pensions.

By Mr. FURLOW: A bill (H. R. 13185) granting an increase of pension to Annie Madden; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 13186) granting an increase of pension to John L. Daries; to the Committee on Pensions.

By Mr. HALL of Indiana: A bill (H. R. 13187) granting a pension to Mary B. Mappin; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 13188) granting an increase of pension to Ellen Nance; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 13189) granting an increase of pension to Rosa A. Russell; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 13190) granting a pension to Mary E. Prine; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 13191) for the relief of Fred Schwarz, Jr.; to the Committee on Claims.

By Mr. KURTZ: A bill (H. R. 13192) granting a pension to Elizabeth G. Hays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13193) granting a pension to Joseph Miller; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 13194) granting an increase of pension to Mary E. Young; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 13195) granting a pension to Dora E. Cole; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 13196) granting a pension to Susan Holmes; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13197) granting a pension to Mary E. Bond; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6949. Petition of the executive council, American Bankers Association, in session at Augusta, Ga., urging Congress to pass the flood relief bill; to the Committee on Flood Control.

6950. By Mr. BACHARACH: Petition of the Women's Christian Temperance Union of Atlantic County, in favor of House bill 11410; to the Committee on the Judiciary.

6951. By Mr. BACON: Petition of sundry residents of Huntington, Long Island, N. Y., favoring the passage of House bill 11410; to the Committee on Military Affairs.

6952. Also, petition of Pershing Square Post, No. 957, American Legion, New York, in favor of House bill 10422; to the Committee on the Post Office and Post Roads.

6953. Also, petition of Annie Underhill and another, residents of Glen Head, Long Island, N. Y., urging passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6954. Also, petition of sundry residents of Long Island, N. Y., urging passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6955. Also, petition of sundry residents of Westhampton Beach, Long Island, N. Y., urging passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6956. By Mr. BROWNING: Petition to the Congress of the United States to increase the pension of the widows and veterans of the Civil War; to the Committee on Invalid Pensions.

6957. By Mr. CRAIL: Petition of American Legion, Bert S. Crossland Post, No. 170, of Torrance, Calif., for the creation of the American green cross as a national organization, embodied in House Joint Resolution 196; to the Committee on Education.

6958. Also, petition of the American Legion Auxiliary of Alta Post, No. 19, of California, favoring House bill 5520; to the Committee on Military Affairs.

6959. By Mr. CULLEN: Resolution adopted by the Metal Trades Council of Brooklyn, indorsing House bill 12032; to the Committee on Naval Affairs.

6960. By Mr. GARBER: Petition of National Customs Service Association, by the secretary, Fred A. Ostrick, in support of House bill 10644, providing for salary increases for a large number of the customs employees; to the Committee on Ways and Means.

6961. Also, article of Dan Sonnentheil, 993 Park Avenue, New York City, in regard to the equalization fee as embodied in the McNary-Haugen bill, and including cotton; to the Committee on Agriculture.

6962. Also, petition of Chamber of Commerce, St. Louis, Mo., urging the enactment of flood-relief legislation during the present session of Congress; to the Committee on Agriculture.

6963. By Mr. HARDY: Petition of 32 citizens of El Paso County, Colo., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6964. Also, Petition of 62 citizens of Pueblo, Colo., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6965. Also, petition of 49 citizens of Pueblo, Colo., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6966. Also, petition of 11 citizens of Trinidad, Colo., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6967. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging the enactment of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6968. Also, petition of citizens of Portland, Oreg., urging the enactment of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6969. By Mr. KVALE: Petition of several residents of Minneapolis, Minn., urging passage of House bill 11998, dog experiment bill; to the Committee on the Judiciary.

6970. Also, petition of members of Providence Local, No. 102, of the Farmers' Union of America, Dawson, Minn., urging passage of the Capper-Hope bill; to the Committee on Agriculture.

6971. Also (by request), petition of Theodore Wirth, superintendent, and board of park commissioners, Minneapolis, Minn., urging enactment of the so-called 60-40 basis for District of Columbia annual appropriations and urging provision for appropriation of \$1,000,000 for the Planning Commission; to the Committee on the District of Columbia.

6972. Also, petition of Captain Comfort Starr Chapter, Daughters of the American Revolution, Tracy, Minn., urging enactment into law of certain bills proposing to amend the present immigration act; to the Committee on Immigration and Naturalization.

6973. Also, petition of the Northwestern Shoe Travelers Association, favoring the repeal of the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6974. By Mr. LAGUARDIA: Petition of Italian Evangelical Ministers' Association of Greater New York and vicinity, indorsing House Joint Resolution 234; to the Committee on Immigration and Naturalization.

6975. By Mr. LINDSAY: Petition of the Proportional Representation League, Philadelphia, Pa., favoring the passage of the Lea resolution (H. J. Res. 181), providing for a change by constitutional amendment in the method of electing the President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

6976. Also, petition of Pickands Mather & Co., Cleveland, Ohio, urging the passage of House bill 102, providing for a 10-year exemption from all income taxes of profits on the sale of certain old American vessels; to the Committee on the Merchant Marine and Fisheries.

6977. Also, petition of leading St. Louis, Mo., associations, petitioning Congress for adequate flood-control legislation at this session; to the Committee on Flood Control.

6978. Also, petition of the Merchants' Association of New York City, favoring House bill 10644, providing for an increase of salaries to employees in the customs service, on the ground that it will result in increased efficiency beneficial to both the Government and business generally; to the Committee on Ways and Means.

6979. Also, petition of Pershing Square Post, No. 957, of the American Legion, New York City, favoring House bill 10422 and Senate bill 800, intended to correct injustices and discriminations against men who served in the military and naval branches of the United States, so far as status as Government employees and appointments are concerned; to the Committee on the Post Office and Post Roads.

6980. Also, petition of Zenith Butter & Egg Co., New York City, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6981. Also, petition of the Joint Conference of Affiliated Federal Employees on Retirement of Greater New York, requesting that favorable consideration be given the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

6982. Also, petition of Metal Trades Council of Brooklyn, N. Y., American Federation of Labor, urging enactment of House bill 12032 and Senate bill 3685, providing for the correction of injustices suffered by the chief warrant officers of the Navy, particular attention being invited to resolutions adopted by said council; to the Committee on Naval Affairs.

6983. Also, petition of Federation of Post Office Clerks, New York City, requesting that the Lehlbach retirement bill (H. R. 25) be brought to an early consideration and vote; to the Committee on the Civil Service.

6984. Also, petition of the Crockery Board of Trade, New York, urging passage of House bill 8545, providing for 1-cent postage rate on local letters; to the Committee on the Post Office and Post Roads.

6985. Also, petition of William E. Kelly, county clerk, Brooklyn, N. Y., urging passage of House bill 11622, providing for an equalization of salaries paid to postal employees; to the Committee on the Post Office and Post Roads.

6986. By Mr. LINTHICUM: Petition of Maryland Historical Society, of Baltimore, and Joel Gutman & Co., of Baltimore, Md., registering opposition to Senate bill 1752, for the purpose of discontinuing use of Government stamped envelopes; to the Committee on the Post Office and Post Roads.

6987. By Mr. MEAD: Petition of Buffalo Chapter, No. 12, Izaak Walton League of America, urging the passage of House bill 7361; to the Committee on Agriculture.

6988. By Mr. O'CONNELL: Petition of the metal trades department, American Federation of Labor, Brooklyn, N. Y., favoring the passage of Senate bill 3685 and House bill 12032, to correct injustices suffered by the chief warrant officers of the Navy; to the Committee on Naval Affairs.

6989. Also, petition of the St. Louis Chamber of Commerce, St. Louis, Mo., favoring the passage by this Congress of an adequate flood-control measure; to the Committee on Flood Control.

6990. Also, petition of the Crockery Board of Trade of New York, favoring the passage of House bill 8545, for a 1-cent postage rate on local letters; to the Committee on the Post Office and Post Roads.

6991. By Mr. QUAYLE: Petition of the Grasselli Chemical Co. of Brooklyn, N. Y., opposing the passage of the Wyant bill (H. R. 8127); to the Committee on Expenditures in the Executive Departments.

6992. Also, petition of the Crockery Board of Trade of New York, urging the passage of House bill 8545; to the Committee on the Post Office and Post Roads.

6993. Also, petition of the Merchants' Association of New York, urging the passage of the Bacharach bill (H. R. 10644); to the Committee on Ways and Means.

6994. Also, petition of Pershing Square Post, No. 957, American Legion, of New York City, favoring the passage of House bill 10422; to the Committee on the Post Office and Post Roads.

6995. By Mr. REED of New York: Petition of residents of Dunkirk, N. Y., in favor of Civil War pension bill; to the Committee on Invalid Pensions.

6996. Also, petition of residents of Cuba, N. Y., urging passage of House bill 11410; to the Committee on the Judiciary.

6997. By Mr. SELVIG: Petition by Mrs. Roy Jepson and 49 adult residents of Frazee, Minn., urging Congress to pass the bill increasing the pension rate to \$50 for Civil War widows; to the Committee on Invalid Pensions.

6998. Also, petition of Emma Johnson and residents of Detroit Lakes, urging favorable consideration by Congress of the Tyson-Fitzgerald bill and the universal draft bill; to the Committee on World War Veterans' Legislation.

6999. By Mr. STRONG of Kansas: Petition of citizens of Greenleaf, Kans., in support of legislation increasing the rate of pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7000. By Mr. THURSTON: Petition of 20 residents of Van Wert, Iowa, and vicinity, protesting against the passage of Senate bill 1752; to the Committee on Interstate and Foreign Commerce.

7001. By Mr. WATSON: Resolutions passed by the John Ashley Dennis, Jr., Post, No. 437, in opposition to Senate bill 777; to the Committee on World War Veterans' Legislation.

7002. By Mr. WINTER: Resolution from Travis Snow Post, No. 5, American Legion, Thermopolis, Wyo.; to the Committee on Naval Affairs.

7003. Also, resolution from Travis Snow Post, No. 5, American Legion, Thermopolis, Wyo.; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, April 20, 1928

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

Almighty God, our Heavenly Father, who art more ready to hear than we are to pray, and who hast taught us through Thy divine Son that whatsoever we ask in His name He will do, to the end that the Father may be glorified in the Son, we come to Thee now trusting in this sure word of promise. Not knowing what we should pray for as we ought, we come to Thee thankfully, depending upon the intercession of the spirit who helpeth our infirmities. Be pleased to grant that our great people, whom Thou hast so richly blessed with peace, plenty, and abundant prosperity, may be given by Thy divine providence just those proofs and probations, that fatherly training and discipline, such changes and chances of joy and sorrow as shall best enable them to glorify Thy name and to give Thee praise. Help us to—

Welcome each rebuff
That turns earth's smoothness rough
Each sting that bids not sit nor stand but go.

Give to us a realization of the high calling we have of God to witness to His truth by Christian manhood of plain living and high thinking. Through Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JONES and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes;

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes;

H. R. 11887. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.;

H. R. 11203. An act granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville Ferry in Telfair and Coffee Counties, Ga.; and

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons.

CALL OF THE ROLL

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Sheppard
Barkley	Fletcher	Locher	Shipstead
Bayard	Frazier	McKellar	Shortridge
Bingham	George	McLean	Simmons
Blaine	Glass	McMaster	Smith
Blease	Goff	McNary	Smoot
Borah	Gooding	Mayfield	Steiwer
Bratton	Gould	Metcalf	Stephens
Brookhart	Greene	Moses	Swanson
Broussard	Hale	Neely	Thomas
Bruce	Harris	Norbeck	Tydings
Capper	Harrison	Norris	Tyson
Caraway	Hayden	Nye	Vandenberg
Copeland	Heflin	Oddie	Wagner
Couzens	Howell	Overman	Walsh, Mass.
Curtis	Johnson	Pittman	Walsh, Mont.
Cutting	Jones	Ransdell	Warren
Dale	Kendrick	Reed, Pa.	Waterman
Dill	Keyes	Sackett	Watson
Edge	King	Schall	Wheeler

Mr. CARAWAY. I desire to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. WAGNER. I wish to announce that the junior Senator from New Jersey [Mr. EDWARDS] is still detained from the Senate owing to illness in his family.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

NORTHWESTERN BANDS OF SHOSHONE INDIANS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the Northwestern Bands of Shoshone Indians may have against the United States.

Mr. FRAZIER. I move that the Senate disagree to the amendments of the House, ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. FRAZIER, Mr. SCHALL, and Mr. ASHURST conferees on the part of the Senate.

FEDERAL POINT LIGHTHOUSE RESERVATION, N. C.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to transfer the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., which, with the accompanying paper, was referred to the Committee on Commerce.

BOULDER DAM

Mr. ASHURST. Mr. President, I have here a statement concerning the Boulder Dam project which was issued by the American Engineering Council on April 18 of this year. I ask that the clerk may read the same.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

STATEMENT CONCERNING BOULDER DAM PROJECT ISSUED BY AMERICAN ENGINEERING COUNCIL APRIL 18, 1928

American Engineering Council, representing 43,000 professional engineers, is an organization conducted for the purpose of affording a means through which engineers may express their views concerning national questions of an engineering character. National problems such as flood control, utilization of natural resources, and the like, come within its purview of activity.

Consequently council has given careful consideration to the Boulder Dam project which has been under consideration by the Congress. In keeping with its usual practice, the council appointed a special committee composed of most eminent engineers experienced in such matters to review all data and information available relating to the Boulder Dam project. This committee, after due deliberation, submitted a report